LABOR PROBLEMS and LABOR LEGISLATION

John B. Andrews

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and
Labor Legislation

JOHN B. ANDREWS, PH.D.

SECRETARY, AMERICAN ASSOCIATION FOR LABOR LEGISLATION
JOINT AUTHOR, HISTORY OF LABOR IN THE UNITED STATES
MEMBER, PRESIDENT'S CONFERENCE ON UNEMPLOYMENT
EDITOR, AMERICAN LABOR LEGISLATION REVIEW

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Foreword

EVERYBODY talks about the labor problem. Strikes, wage controversies, shorter hour agitation, industrial accidents, unemployment—furnish much of our newspaper reading. About each topic many substantial volumes have been written. No other question affects so vitally such a large number of people. It constantly threatens the continuance of the existing industrial order. It is now thoughtfully referred to as "*the* social question."

Broadly conceived the labor movement is the progress of the masses of the people up from slavery, their escape through serfdom into the wage system, and their ever continuing struggle to improve their economic and social condition.

Industrial progress, like the improvement of city streets, requires continual change. It is never finished. Many inconveniences are endured as we pass from one stage of development to the next. To avoid greater disorder, certain organized methods are employed and temporary rules of conduct are obeyed.

In modern industry these regulations are by no means merely for the protection of wage-earners. Frequently they are just as essential for the safe-guarding of the conscientious employer

against undercutting by his less scrupulous competitors. In fact, the initiative—in establishing minimum standards below which no one shall be permitted to work—has often come from thoughtful employers desiring to improve conditions in their own workshops, but believing it essential that competitors be required to move forward at the same time. Moreover, modern conditions of living and labor make us increasingly inter-dependent and necessity requires that standards be determined with reference to the welfare of all the people—even of future generations. For over all, as the final test of reasonableness, is the public interest or the general welfare.

In smoothing over the friction points which develop in industrial progress—in meeting temporarily the issues which constantly arise and reshape themselves as economic conditions and political sentiments change—two principal organized methods have been employed. The method of *collective bargaining* through voluntary trade organizations has been widely influential throughout many generations. The method of *legal enactment* has also resulted in more than a century of modern protective legislation.

Each of these methods, from the general welfare point of view, has its advantages and disadvantages. Voluntary group action without pub-

lic supervision avoids bureaucracy, but it does not always guard sufficiently the public interest. Legislative action is often inadequate and slow, but it does by its very nature invite public scrutiny through the introduction of bills, with the holding of public hearings and open debate in public halls. In addition it does offer to every citizen opportunity to participate in bringing about proposed changes. Legislative results are usually more uniform and often they are more lasting. But it would be the greatest possible mistake to consider any phase of the labor problem as permanently settled. Change is the way of progress as long as there is opportunity for improvement.

Democracy — real democracy — means more than voting once a year for some one to govern us. It implies opportunity for self-improvement, leisure for training in good citizenship, an income sufficient for decent existence, reasonably safe and healthful and attractive working conditions, regularity of employment, relief from constant anxiety lest one become a subject of charity owing to industrial contingencies over which one has no control. Until these things are won, our democracy is admittedly one-sided. The labor legislation described in the following brief chapters marks the progress of a century in the development, by public methods, toward the recognition of democratic standards for industry.

Employment

CHAPTER ONE

"A MAN willing to work and unable to find work," said Carlyle, "is, perhaps, the saddest sight that fortune's inequality exhibits under the sun." Yet Secretary of Labor William B. Wilson estimated that there are at all times in the United States from one to three millions who are "employed or unemployed in accordance with industrial activity or industrial depression." Thus the federal Census of Manufactures for 1909 showed that in the slackest month of the year the number of those employed was 11.4 per cent. less than in the busiest month.

Such irregularity of work causes loss to both employer and workman. The latter loses by the stoppage or reduction of wages, leading to suffering, discouragement, and often suicide or crime. "Morality and religion," in the words of Horace Greeley, "are but words to him who fishes in the gutters for means of sustaining life, and crouches behind barrels in the street for shelter from the cutting blasts of a winter night." The employer, on the other hand, loses through the interruption of output and sales, and also through the high expense attached to breaking in new help. Careful studies have found this ex-

OUT OF A JOB.

During industrial depressions the homeless unemployed in large cities often go shelterless.

pense to range from $50 to $100 for each new worker.

In addition to fluctuations in the demand for labor due to the seasons or the recurrent waves of industrial prosperity and depression, other important causes of involuntary idleness are changes in the nature or location of industry, lack of a centralized market for labor, excessive "hiring and firing" or labor turn-over, and irregular or casual nature of the work. As these causes have always been more or less operative, unemployment has been always present, in good times as well as in bad. As stated by an official

United States report, "Most unemployment has no connection whatever with any fault of the worker." It is a problem of industry.

Distribution of Labor Supply

At the same time that there have been thousands of men fruitlessly searching for work, there have been employers eagerly seeking men. Even during the war involuntary idleness and labor shortage existed side by side. To a considerable extent the solution of the unemployment problem lies in quickly and effectively

BITTER BREAD.

The man who is driven to the bread line for a crust to eat all too often falls into the ranks of the unemployable.

WAITING FOR A JOB.

Men often wait in front of factories for a chance to work while elsewhere employers lack men.

bringing together the jobless man and the manless job.

Many men find work through the recommendation of a relative or friend. Some simply tramp the streets in the haphazard search for a shingle or a piece of cardboard with the words "Help wanted" scrawled upon it. Others rise before daybreak and by the light of the corner lamp-post scan the columns of the "want ads" in the morning paper. Arrived at the address given they may find fifty or a hundred applicants waiting for the same position. A few workers,

"HELP WANTED."

The symbol of inefficiency in the organization of the labor market.

with special qualifications, insert their own advertisements in the papers, in the hope that some employer will call for their services. Altogether millions of dollars are spent in these ways yearly, with very poor results in the distribution of labor. Newspaper advertising also lends itself to fraudulent and even immoral uses by which many wage workers have been victimized.

Regulation of Private Employment Agencies

Somewhat more systematic means of connecting men with jobs are afforded by private em-

ployment offices. In nearly every large city there are philanthropic agencies which charge no fees for their services. Unfortunately these have become known as last resorts for inefficients, and do not attract high grade workmen or employers. For their own trades some labor unions and employers' associations maintain "day rooms" where chances to work are distributed. Of those operated by employers' associations it is frequently declared that they are strike-breaking or blacklisting agencies. Much more widespread than any of these types are the commercial employment bureaus, operated for private profit, which abound in all industrial centers, to the number throughout the country of about 5,000. A few are specialized professional agencies for teachers, trained nurses, theatrical persons or the like, but in the main they deal with unskilled and domestic labor.

While many commercial employment bureaus do good work, others are known to indulge in highly discreditable practices. They have often been found by official investigators, for instance, to misrepresent wages and conditions of work, send girl applicants to immoral resorts, split fees with foremen who discharge old employees in order to hire new ones through the agency, and even to send men and women to great distances where there is no call for their services. In the effort to check these abuses, most states

PUBLIC EMPLOYMENT OFFICE

Public employment offices—when clean, efficient, and honest —bring good workmen and employers together.

now provide that commercial employment agencies shall be bonded and licensed. Other regulations prohibit the location of employment bureaus in saloons or gambling places, and limit the size of the fee that may be charged. In a few states advertisements for help must mention the existence of any strike or lockout. The form of register is sometimes specified, to assist in the collection of information on the condition of the labor market, but in practice the figures from private agencies have hardly proven worth the pains to gather them.

In the main, the regulations placed upon private employment bureaus have been upheld by the courts as a reasonable exercise of the police power in behalf of public welfare. Experience has shown, however, that they have not succeeded in wiping out the abuses committed by private offices, and the result has been a widespread movement for the elimination of such offices altogether. A state law to this effect was initiated and adopted by the people of Washington in 1914, but was declared unconstitutional by a majority decision of the United States Supreme Court on the ground that it interfered with a "useful business."

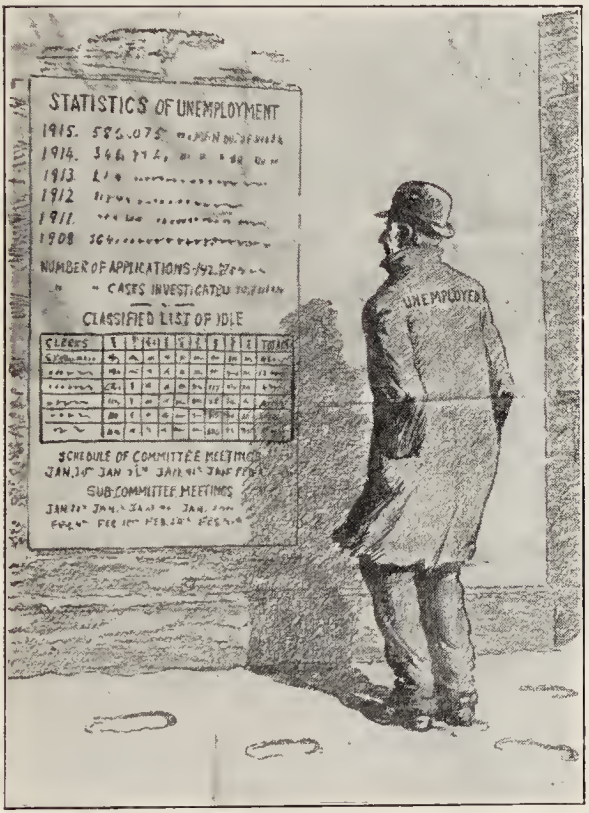
Public Employment Offices

The next step in the organization of the labor market is the establishment of public employment offices. Beginning with five such bureaus opened by Ohio in 1890, the movement spread until in 1916 there were ninety-six, half of which had been created since 1910. Most of these were under state auspices, nearly half of the states being represented; some were maintained by cities; and a few were under joint state-city management. By January, 1927, there were more than two hundred public employment offices.

When the war came, drafting millions of our able-bodied men for military service, and ne-

cessitating the shift of many millions more to munitions, shipbuilding, and other war industries, the country realized as never before the need for a nation-wide system of public employment offices for the prompt and efficient distribution of labor.

Such a system had been in operation in Great



(Harding, in Brooklyn Eagle.)

COLD COMFORT.

Statistics are interesting—in their place—but the unemployed want work.

PUBLIC WORK.

Public work during slack times helps the unemployed and the community.

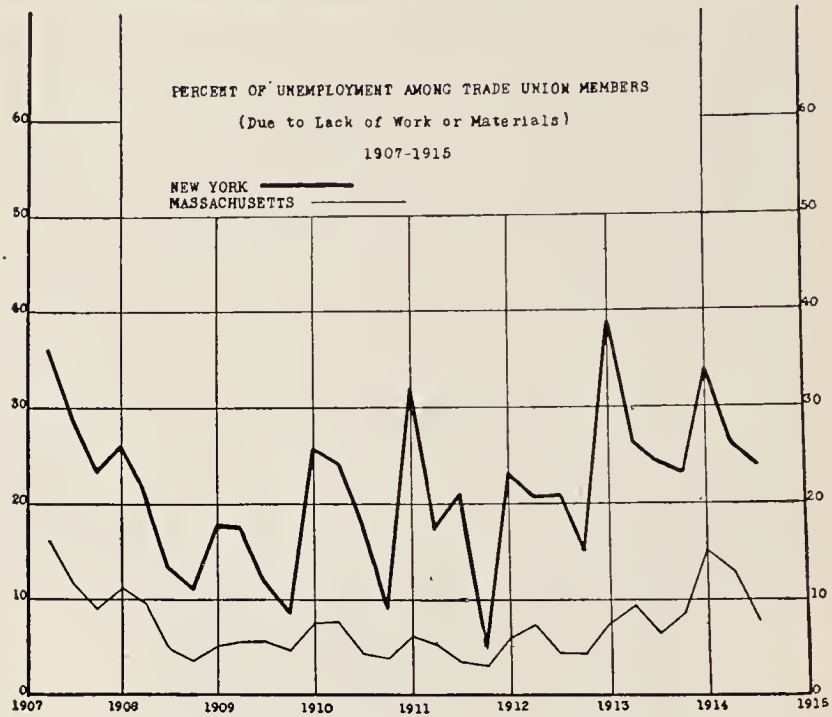
Britain since 1909, and although the area of that country is only one-twenty-fifth of ours there were more than 400 offices. These were grouped in eight administrative districts, each with a divisional clearing house in direct communication with the central office in London. In addition, linked with the offices were over 1,000 local agencies which assisted in the administration of unemployment insurance, so that the system was closely in touch with workers in all parts of the kingdom. Before the war it was filling some 17,000 vacancies weekly, mostly with skilled

workmen, and this number increased due to the industrial demands of the conflict.

In the United States, however, the war found us with our state and city employment offices poorly co-ordinated. While war manufacturers were clamoring for help, men were tramping the streets in search of work. Employers

UNEMPLOYED CLEARING LAND.

In the state of Washington work of this kind was successfully carried on during one depression.



THE ZIG-ZAG OF INDUSTRY.

Most unemployment is not the workman's fault. He is laid off because of fluctuations in the demand for his labor.

adopted the policy of "raiding" one another for desirable mechanics, and the commercial job-bureaus were reaping a harvest from the needs of the nation. Finally the situation grew so bad that a number of distribution offices run by the federal Immigration Service were taken over by a new governmental agency known as the United States Employment Service, and linked up under co-operative agreements with most of the state and municipal bureaus. We

then had nearly 800 public employment offices under unified control. In about nine months they reported having referred 2,500,000 persons to positions. But they were operating merely as a war emergency organization, on a grant of $2,000,000 from the President's war emergency appropriation. Despite the demonstrated service of the system to the country during the crisis, and the obvious indications that it would be equally necessary during the period of demobilization and reconstruction, Congress adjourned in March, 1919, without setting aside the necessary money to carry on the work. As a result, the experienced and promising federal Employment Service had to be practically abandoned except in so far as a few state and voluntary organizations took over parts of the work. One of the big tasks before the country is to restore it on an adequate and permanent basis.

Public Work

Even the best system of public employment offices cannot make work when there is no work. Hence practically ever since unemployment became a modern industrial problem there has been the repeated demand that government provide means of earning a livelihood for those shut out from private industry. It is felt that thus giving the unemployed an opportunity under government direction to be self-supporting

Courtesy Washington Times

"A NIAGARA GOING TO WASTE

Multiply this pathetic figure by millions for this nation, and you will have visualized the greatest waste and tragedy of our time. It is NOT a necessary waste, an inevitable tragedy. Human resolution, purpose, energy, human heart and brain can end it."

would cost little more than caring for them by public or private charity, it would not debase them as charity would, and at the same time work

of public importance would be accomplished. During the severe industrial depression of 1914-1915 more than 100 American cities provided emergency work of this character, including sewer-building, street and road-making, quarrying, forestry, drainage, waterworks, building, painting, and even clerical duties. It is significant that during the depression of 1920-1922 a still larger number adopted this policy.

Emergency public work for the unemployed has not always proven as efficient or as economical as it should be. Yet opinion is growing that the flaws are due to poor administration rather than to any fault in the idea itself.

Furthermore, it is becoming recognized that waiting until the emergency has overtaken the community before arranging for public work is wasteful and leads to unnecessary hardship. More stress is therefore being put on the plan of preparing in ordinary times for the slump which is almost certain to occur in the course of the industrial cycle. It has therefore been urged that each community or country lay out a carefully calculated plan of necessary public improvements, with sufficient appropriation to cover the cost, which could be pushed ahead without delay at the beginning of serious industrial depression. In this way public work, instead of dropping off along with private industry, as is now often the case, would expand and

tend to stabilize employment. It would, in fact, act as a sponge, absorbing the surplus of labor which private employers at certain times are unable to utilize, and releasing it when business again picks up. Beginnings have been made in this direction.

Regularization of Industry

The heart of the problem of preventing unemployment has not yet been reached. Lack of work for those able and willing to work results from the maladjustments and fluctuations of industry. No system of remedies is complete which does not include the regularization of industry itself. Such regularization is demanded in the interests of both employer and employee —on one side to keep down overhead expenses and to secure the best returns from the business, on the other to prevent destitution and consequent demoralization.

One method of regularization which has been successfully used is to send out samples and secure orders as far as a year ahead. In this way the market can be carefully gauged, gluts avoided, and production held at a fairly uniform level. Some industries develop supplementary lines, such as tennis shoes and rubber tires in a rubber shoe factory. Others endeavor to avoid extreme styles and develop staple lines which are always

in demand. Artificial drying has helped to stabilize brick manufacture. The growth of careful employment management, by which applicants for work are selected for the particular task they are to do, are transferred to other departments if possible instead of being laid off in slack periods, and are discharged only by some central authority after all efforts to use them in the plant have failed, has also proved helpful. The "Liverpool dock scheme," by which the longshoremen are pooled into one labor reserve instead of each hanging around the office of one particular ship company, can be applied in principle to many other occupations. To some extent, also, it is possible to dovetail occupations, so that building laborers, for instance, can in the winter find places in ice cutting or logging, and city factory employees can spend the summer months as farm or harvest hands. By credit control and statistical forecasting of business conditions much stabilization can be encouraged.

A great deal to stimulate this desirable regularization of industry can be accomplished by the proper application of the principle of insurance. When involuntary idleness entitles the worker to a definite money allowance to tide him and his family over the slack season, those in charge of industry will have an additional incentive to reduce industrial fluctuations to a minimum.

Wages

CHAPTER TWO

NO labor problem is more fundamental than the question of wages, for a man's whole way of life and that of his children after him is largely dependent on the amount he earns.

Many persons believe that wage-earners received such increases during the war that low pay ceased to be a problem among them. Trades boomed by the war or covered by wage awards from government conciliation boards did fare comparatively well. Late in 1918 a government board established eighty cents an hour as the minimum rate for skilled mechanics in the shipyards, while railroad employees some months before received increases varying from 43 per cent. for those earning less than $50 a month to 1 per cent. for those paid $250. The demand for guns and ammunition enabled machinists to earn big money, and during the two years 1917 and 1918 six successive wage increases by the large steel companies amounted to an 85 per cent. increase. Unskilled laborers also had a considerable share in war prosperity, their wages rising from twenty cents an hour to thirty-five and forty.

(*Donahey, in Cleveland Plain Dealer.*)

"WORK, NOT ALMS"

The hands of labor seek not charity but an opportunity to produce.

But in many other lines not directly affected by the war wages rose little, if at all. Many organized workers in the building and printing trades received less than 20 per cent. increases in wages from 1912 to 1918. The weekly wage of clerks in factory offices in New York state increased only 26 per cent. between June, 1914, and October, 1918, or from $19.18 to $24.11 weekly. The average weekly wage of shop employees in a large group of New York factories representing all forms of manufacture was only $22.22 in October, 1918.

Meanwhile, the high cost of living was affecting all employees alike. The price of food, clothing and house furnishings, to say nothing of rent, rose to record-breaking heights. The National Industrial Conference Board, a federation of employers' associations, estimated conservatively that the cost of living had gone up 70 per cent. in about four years. The United States Bureau of Labor Statistics reported that at the end of 1918 wholesale prices of all commodities combined were 106 per cent. higher than in 1913. In December, 1917, the Philadelphia Bureau of Municipal Research estimated that $1,200 a year or $23 a week was necessary to provide a "living wage" for a family of man, wife, and three children. Prices continued to rise until June, 1920, when the cost of living was 116.5 per cent higher and union wage rates 89 per cent higher than in 1913. By 1925, however, corresponding percentages were 73.5 and 122.3.

Up to the outbreak of the world war, in 1914, students of the subject had decided that for the last quarter century wages, as measured by what they would buy, had been slowly but surely falling. The decline amounted to about 10 or 15 per cent. over the whole period and was more rapid from 1900 to 1914 than during the previous decade. We are forced to conclude that all the wage increases of the war hardly

changed the situation, as wages in most cases little more than kept pace with the cost of living, and only very rarely exceeded it.

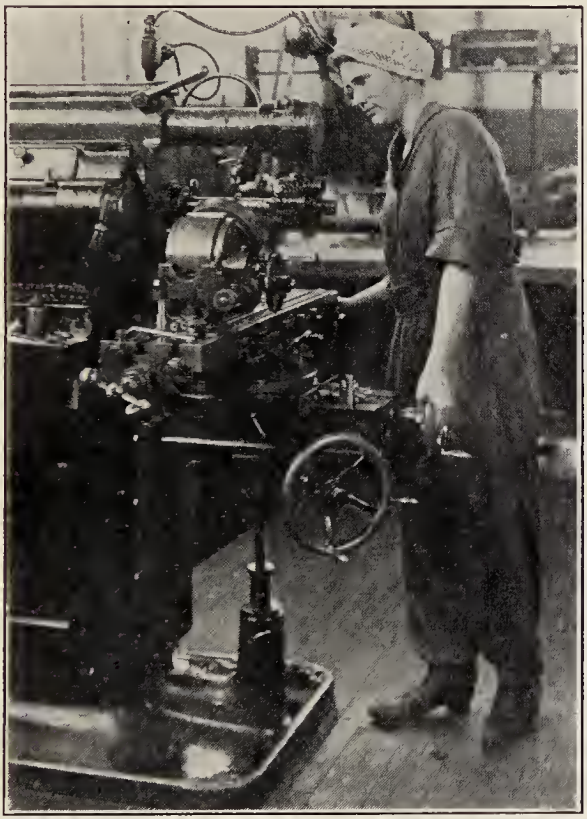
Payment of Wages

In the United States labor laws affecting wages have, until the last few years, not set the amount of the wage directly, but have influenced its real value by indirect methods. This class of laws deals with such matters as the frequency and form of wage payments, fines and deductions from wages, and protection to the worker if his employer fails to pay the wage due. The unfair practices which such laws are intended to prevent involve sums small in themselves, perhaps, but of no little importance to the wage-earner, and unjust treatment well calculated to leave him with a permanent grievance against society. Every organization which has taken up the collection of such claims finds its time filled with the work.

To the workman with little or nothing to depend on but his wages, the frequency with which he is paid is a matter of great concern. The longer he must wait for his pay, the more likely will he be to run up a bill at the store or to fall into the loan shark's clutches, and the higher will his cost of living become and the lower the real value of his wages. On the

other hand, the employer profits by fewer pay-days, as less book-keeping and less ready cash are needed.

Consequently all over the world industrial states have stepped in to protect the worker by requiring a regular pay-day, sometimes monthly, sometimes fortnightly or weekly. About



NOT "CHEAP LABOR."

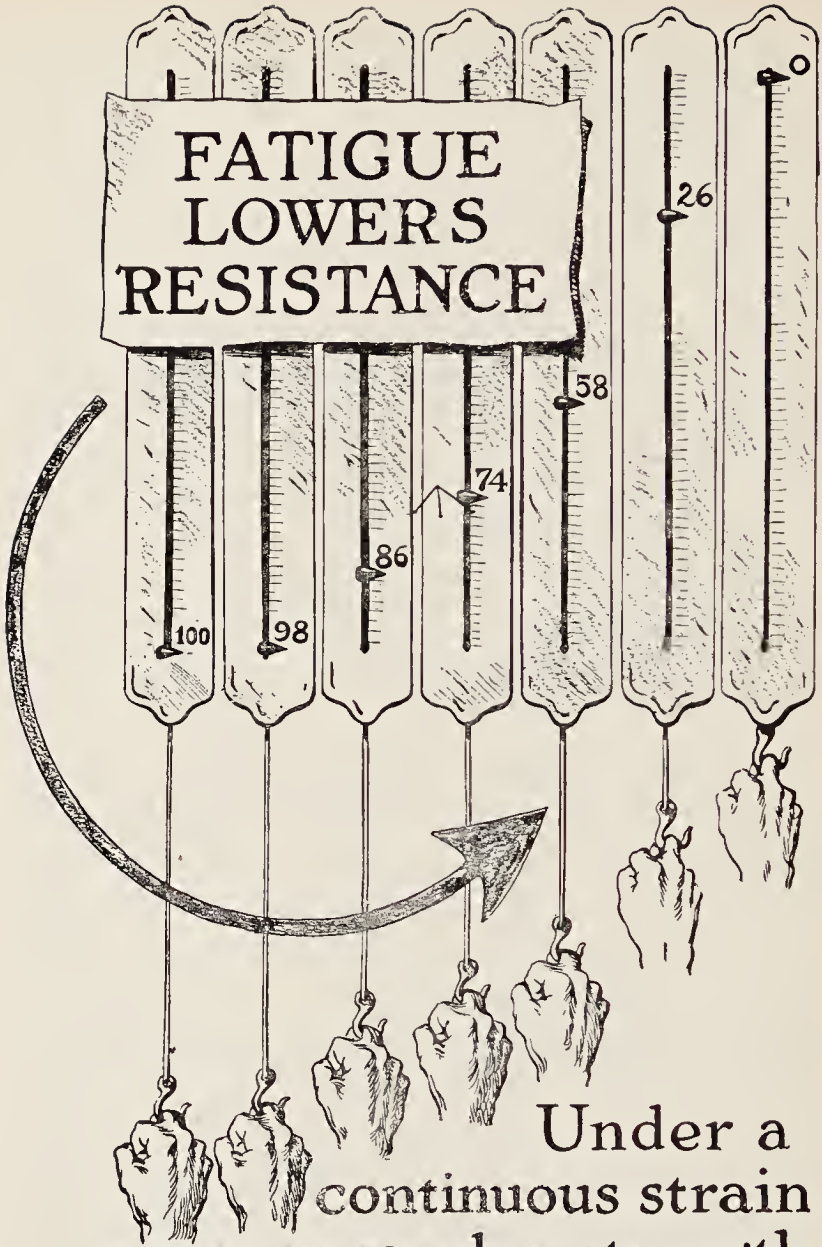
This woman machinist did a man's-sized job and received a union man's wage.

Pheidippides* did not die of heart failure! He was poisoned--- poisoned by *fatigue.*

(*Pheidippides was the messenger who dropped dead after running 26⅕ miles to announce in Athens the victory of the Greeks over the Persians at the battle of Marathon, 490 B.C.)

two-thirds of our American states have laws of this kind, generally providing for wage payments every two weeks. Years ago some courts refused to uphold these laws, stating that they were an infringement on the "liberty" of the workman, but later decisions have recognized the needs of the worker and his inability to secure prompt payment from a large corporation, unless aided by legislation. Several states also require that an employee shall be paid during working hours, which saves his time. Many states provide that an employee must be paid as soon as he is discharged and that he can collect interest charges for any delay. But if a man quits, the law generally allows his wages to be held until the next regular pay-day.

Carlyle protested against modern civilization because its only bond of union between man and man was cash. Yet from another point of view it is only when wages are paid in cash and the wage-earner is free to buy what he wants and wherever he wants that he has any real freedom. The worker who must trade at the company store is liable to pay excessive prices for inferior goods. He may find false items on his bill, against which he dare not protest for fear of losing his job, or on the other hand he may be bound to his job by a debt he is never quite able to discharge. Payment in "scrip" or "store orders" ties him to the



Under a continuous strain your muscular strength will eventually break

company store or lowers his wages by obliging him to accept a discount in changing from scrip to legal money.

Half-a-dozen states have enacted legislation which attempts to forbid the whole system of "company stores" and scrip payments. Others try to regulate the system by forbidding excessive prices or higher charges to employees than to outsiders. In a "company town," however, where the employing corporation is the sole proprietor, this form of regulation is not very effective. The largest group of laws, found in about a dozen states, attempts to prevent any coercion of the employee to accept company scrip or to trade in company stores.

Fines for tardiness or other breaches of shop discipline, for bad work or spoilt material, deductions for drinking-water, for needles or the use of machines may, in the hands of an unscrupulous employer, amount to a lowering of wages, and be arbitrary and unreasonable in the highest degree. A fertile ground for labor disputes is also found in such fines and deductions. Numerous states attempt to regulate the practice in various ways. Massachusetts has a unique law forbidding the fining of weavers except for imperfect work. Massachusetts and California limit fines for tardiness to the amount of wages which would have been earned during the time lost. In Michigan no fines what-

ever may be imposed, and Louisiana forbids them except for wilful damage to the employer's property or materials. Several other states allow fines to be deducted only according to a fixed procedure and with the full consent of the workers. But, like all laws which try to bring in the "consent of the workers," the value of these provisions is doubtful. Unless he is in an unusually well protected position, the worker must consent if he wants to hold his job.

Another kind of law dealing with wage payments is the so-called "mechanic's lien." This is one of the oldest forms of American labor legislation, the first such law having been passed in New York in 1830. It was based on the still older practice of giving a contractor a claim for his payment in the house he had built and the land it stood on. To protect the worker, in turn, from the irresponsible contractor with no property of his own to satisfy wage claims, he is given the right to bring suit for his wages against the value of the building or land on which he was employed. Such a claim may be made in every state in the union and is generally given first preference above all other claims, even those of the contractor. Mechanics' liens extend, in various states, to labor performed on public works, railroads, in mines, on the land, and in lumbering, shipbuilding, sawmilling and other occupations.

Minimum Wage Laws

Recently, England, Australia, several Canadian provinces, and about a dozen American states have developed a wholly different type of wage legislation, known as minimum wage laws, which aim to regulate the amount of the wage directly by fixing the smallest sum which may legally be paid the worker.

Australia is the birthplace of minimum wage legislation. Although it was a new and prosperous country, it was discovered during the 'eighties that a number of trades were paying starvation wages and employing their workers under miserable conditions. Much public feeling against these methods developed and after several years' agitation the province of Victoria in 1896 passed the first minimum wage law. This applied only to half-a-dozen trades in which wages were especially low, but in 1900 it was extended so that it might cover any occupation. Practically all the workers of Victoria except farm laborers now have their wages regulated by minimum wage awards, and three others of the five Australian provinces have passed similar legislation.

In 1909 Great Britain passed a minimum wage law known as the "trade boards act" modelled on the Victorian statute, and applying to occupations paying "exceptionally low" wages, under which minimum wages had been fixed

After reaching their stride, six experienced typesetters found that their hourly output diminished the longer they worked without a rest period.

TOTAL LINES OF TYPE
SET PER HOUR BY
SIX EXPERIENCED TYPESETTERS

FATIGUE LOWERS OUTPUT.

The output of these six typesetters was lowest just before the lunch hour and in the late afternoon.

for about 400,000 wage-earners in eight different lines of work up to the outbreak of the world war. The law was amended in 1918 so that it could be extended more quickly and to a large number of occupations. At the beginning of 1922 about three score of trades had been included. Minimum wage legislation had, by 1927, spread to all the leading Canadian provinces, most of the larger European countries, Argentine, Uruguay and South Africa.

Except in so far as most workers in many low-paid trades are women, several of the foreign laws apply to both sexes alike. But in the United States minimum wage legislation covers only women and children. This is in line with American precedent in other forms of protective labor legislation, such as safety and health, and notably hour restrictions. Women and children are considered the most helpless class of workers. They are least able to protect themselves. The courts are more favorable to protective legislation applied to women and children than to men, and the labor unions support it while they prefer to have men gain their own ends through organization.

A dozen or more states, Porto Rico and the District of Columbia, had provided, up to July, 1922, for the fixing of legal minimum wages for women and children. Similar measures are in force in several Canadian provinces.

The statutes are of two kinds, known as "flat rate" and "wage board" laws. In the former, found in only a few states, the minimum rate which may be paid the woman worker is specified in the law. Thus Utah sets $1.25 a day as the minimum for the principal industrial occupations. The recent rapid rise in the cost of living brought out the weakness of the flat rate law, for it could not be quickly adjusted to price changes. Nor does it take account of differences due to locality or to the varying requirements of different occupations.

Because of its greater flexibility, the wage board type of law found in all the other states and abroad appears to be preferable, although it sets up a much more elaborate machinery. A bureau or commission is created, to oversee the administration of the law. The commission then forms wage boards in one occupation after another, each board representing the three parties at interest, employers, employees, and the public. Minimum wages are fixed by these boards for the various occupations, after investigation and conference. Most laws require that such a minimum rate shall be "sufficient to cover the necessary cost of proper living," that is to say, a "living wage."

Two methods are used to secure the payment of the wage fixed. The employer's wage records are inspected. Women who are paid less than

TWELVE HOURS OR EIGHT HOURS?

These two men may live next door to each other in almost any city. Which is the better citizen?

the minimum may sue for the unpaid wage balance. Though in other forms of labor legislation it has proved useless to expect workers themselves to risk their jobs by complaining, in minimum wage cases, where fairly large wage balances quickly accumulate, this method has proved successful. Employers who do not pay the minimum may be fined, except in Massachusetts, where their names may merely be published.

The first American minimum wage law was passed by Massachusetts in 1912, and eight states followed suit in 1913. One reason why the movement then halted for a time was probably because from 1914 to 1917 the courts were debating the constitutionality of the legislation. A test case covering the Oregon law was decided favorably in the latter year by the United States Supreme Court. The court was, in fact, evenly divided on the subject, so that a previous favorable decision by the state supreme court of Oregon remained in force. The Oregon court treated the law as closely akin to hour legislation, being for the same reasons "within the police power of the state and . . . tending to guard the public morals and the public health." After the Oregon case, the supreme courts of other states upheld the laws within their own jurisdiction, and the constitutionality of such acts appeared to be established. In 1923, 1925,

and in January, 1927, however, the United States Supreme Court respectively declared the District of Columbia, the Arizona, and Arkansas laws invalid in their application to women. Though the commissions still exist in several other states, their rulings, except those covering minors, cannot be enforced and they function chiefly as fact-finding agencies.

Many dire and often-times contradictory predictions of the effects of minimum wage laws are made whenever they are proposed. It is claimed on one hand that it is not possible to increase wages by law. On the other hand, it is alleged that "the minimum will become the maximum" and that higher-paid workers will be reduced when lower-paid ones are raised, that low-paid workers will be thrown out of employment altogether if their wages must be increased, that employers will become bankrupt or move out of the state if forced to pay more wages, and that the efficiency of the workers will suffer if their wages are guaranteed. American experience of the effect of minimum wage awards is still scanty, but in those states where awards have been longest in force, as well as in other countries, these fears do not seem to have been realized. Enforcement is not perfect, but a considerable rise in wages is noted. The average weekly wage of women in Oregon stores was 8.6 per cent. higher in spite of a business depression

which caused an 8 per cent. falling off in sales.

The charge that the wages of higher-paid workers are reduced is not borne out anywhere, while after the first readjustment no lasting increase of unemployment is noticeable. In Australia, where minimum wages are generally applied, employers make a good many charges of decreased efficiency, but in England and the United States the opposite result is reported. As for the financial effect on employers, wages are not raised so greatly that the extra cost of the product is a large item. In Oregon stores the increased cost of labor was only three mills on each dollar of sales.

This last fact helps us define the exact effect of minimum wage laws. They do not, after all, transform society. The sums fixed as living wages for women in this country vary from $8 or $9 weekly a few years ago to $15.60 in the District of Columbia and $16 in California under war-time high prices. As pictured by one writer the minimum wage guarantees "not enough to make life a rich and welcome experience, but just enough to secure existence amid drudgery in grey boarding-houses and cheap restaurants." But the standards set represent some gain to the lowest-paid workers and do, to that extent, relieve the situation for the poorest, hardest-pressed section of the most helpless part of the wage-earners.

Hours

CHAPTER THREE

IF there is one lesson the great war pounded home to the captains of industry, it is that too long hours do not pay. In the early days of the struggle, when France and England leaped, only half prepared, to the defense of their liberties, they were forced to signal "full speed ahead" to their munitions producers. But as the spurt settled down into the long steady grind of a four-year contest, it was noticed that production of essential war material was falling off. Not only was the output lessened, but its quality was lowered. There was waste of material and power through broken time. The workers were growing dispirited and lacked "pep."

The British government set a commission of experts to investigate, and they very soon found out the cause of the trouble—overwork. All toil and no play was making Jack and Jill (for there were hundreds of thousands of women concerned) into dull and inefficient producers.

The commission recommended shorter hours, intervals for rest, one full day off a week. When these were tried, the output of shells and guns went up again.

It was the old story, often told, seldom learned, repeating itself. A tired man is a poisoned man,

poisoned by the waste products of his own activity. He cannot do good or profitable work until the bodily poisons produced by toil have been removed by suitable intervals of rest.

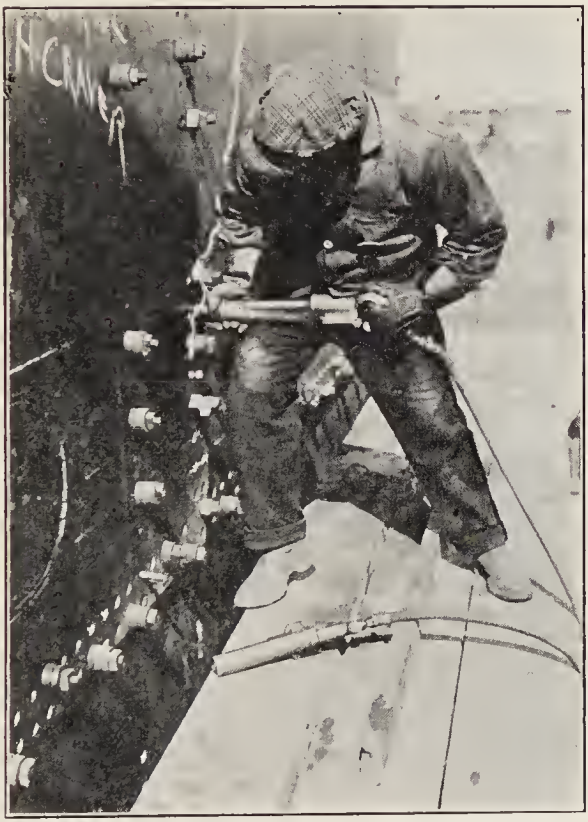
Moreover, for citizenship as well as for production, the free worker in a democracy needs suitable leisure for the enrichment of his family life and intelligent attention to current questions. Had all the peoples of the civilized world been conducting their national affairs on a well-informed democratic basis, the war which cost over 7,000,000 human lives would never have occurred.

For America's women in industry, who are among the mothers of the coming generation, there is special need for protection against long hours. A strong and vigorous race demands mothers whose energies are not sapped by a work-day dragged out to unhealthful extremes, or by industrial toil during the night hours that should be given to rest and sleep. And the children, too, if they are to carry on the work of democracy and civilization, must be saved in their tender years from toil too exhausting for their forming minds and bodies.

First Modern Factory Law

The first modern factory law dealt with the hours of children in British cotton mills. Beginning about 1760 people ceased to spin and

weave entirely by hand, but took up the manufacture of cloth by power-driven machinery in large factories. In this transformation, which lies at the foundation of all our modern industry, many pauper children were apprenticed to the owners of the cotton factories. Philanthropists soon noticed that these children were miser-



RIVETER AT WORK.

The great speed demanded by some occupations is a strain that can be counteracted by short hours.

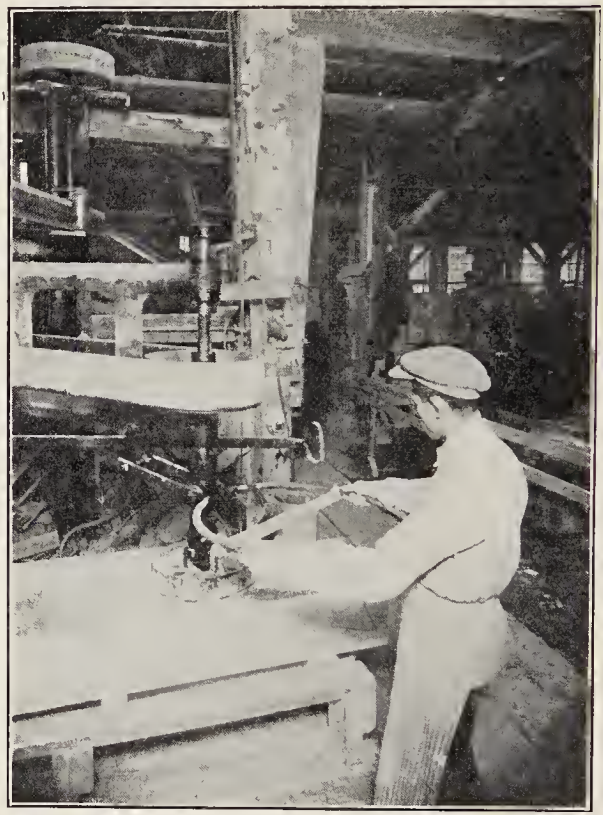
CYCLE of the WORKING DAY

Eight hours for work!
Eight hours for sleep!
Eight hours for home
and citizenship!

ably treated, overworked, and given no chance for education. An act, passed by the English Parliament in 1802, among other provisions, limited their hours to twelve a day. Inadequate as this standard now seems, it marks the beginning of the long line of special laws limiting the hours during which young workers may be employed.

The first such law in the United States was passed by Massachusetts in 1842, and established a ten-hour day for all children under twelve working in factories. Along with forbidding all work for wages by children under a certain age, provisions restricting the hours of the youngest workers have been developed, until to-day there is general agreement that legislation, at the very least, besides keeping children under fourteen out of the factory and in the school-room, should prevent night work by all boys and girls under sixteen and limit their working hours to eight. Beginning with Illinois in 1903, this standard has been reached by about three-fourths of the states, including the majority of those of industrial importance. Of the remaining states, one still permits an eleven-hour day while several others allow children to work ten hours. Night work, at least in factories, is prohibited in almost all states, while a score forbid night work in all occupations. In some states, however, particularly in the south, it is reported, these laws are not always well enforced.

In an effort to bring the more backward states up to better standards, two federal child labor laws have been passed. In the earlier one, which became law in 1916, Congress forbade the transportation in interstate commerce, that is to say, from state to state, of goods on which children



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MARBLE POLISHER.

The monotony of repeating one process over and over again is wearing on the workman's nerves.

(Copyright, Underwood and Underwood)

STOKING.

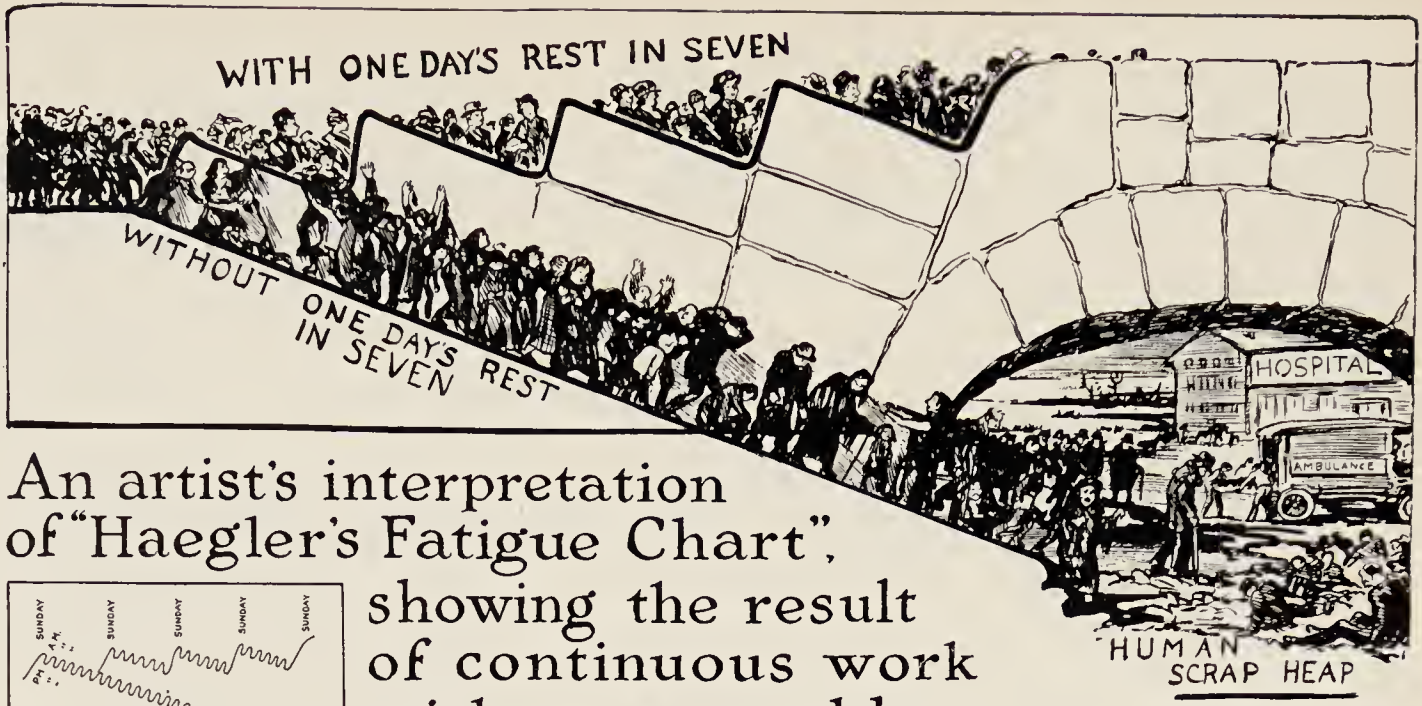
Men who are doing hard physical labor often have to work in short shifts. Stokers work for four hours.

between fourteen and sixteen had worked at night or more than eight hours a day. The United States Supreme Court set aside the law, however, declaring that such regulation was not within the power of Congress. Congress then attacked the evil in another way in the war revenue bill of 1919. A tax of 10 per cent. of the net profits for the year was imposed on all establishments in which any child between fourteen and sixteen had worked at night or more than eight hours a day. The measure went into effect in April, 1919, but was declared unconstitutional

in May, 1922. Congress, in 1924, promptly passed a constitutional amendment, but it awaits state ratification.

Women's Hour Legislation

Next to children, women receive more protection from hour laws than any other class of workers. Though the constitutionality of limitations on women's working hours is now established, years of struggle with the courts was necessary before this was certain. In 1895 the Illinois Supreme Court set aside an eight-hour law for women workers on the ground that it was an infringement on the "liberty" of a woman to work as long as she saw fit. For some years afterwards decisions by state courts varied. Then in 1908 came the test case in which the Oregon women's ten-hour law came before the Supreme Court of the United States. Louis D. Brandeis, who later became a member of the court, and Miss Josephine Goldmark, prepared a famous brief in defense of the law. This brief emphasized not so much legal technicalities as the harmful effects of excessive hours on the health of women. The court upheld the law as a health measure. "As healthy mothers are essential to vigorous offspring," the judges said, "the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race."



An artist's interpretation of "Haegler's Fatigue Chart", showing the result of continuous work without a weekly rest day.

HAEGLER'S CHART
Swiss International Exposition, Geneva 1896

ONE DAY OF REST IN SEVEN.

The man who works every day in the week without any rest gradually deteriorates.

Shortly afterwards the Illinois court sustained a new law for a ten-hour day. In 1915 the United States Supreme Court took a further progressive step in upholding the California eight-hour law for women.

All but five states had laws limiting the daily or weekly hours of women's work at the beginning of 1927. The ten-hour day was still the most frequent, but the eight-hour day was in force in nine western states, the District of Columbia and Porto Rico, and a nine-hour day in more than a dozen of the remaining states, including the important industrial areas of New York, Ohio, and Missouri. A few states have daily limits of from ten and a quarter to twelve hours. Most states fixed weekly as well as daily limits, which varied from forty-eight to sixty hours.

Night Work

The United States is among the most backward of modern industrial countries in checking night work by women. In 1906 an international conference on women's night work was called at Berne, Switzerland. Fourteen leading European countries were represented. A mass of evidence on the physical and moral dangers of industrial night work for women, gathered in five years' investigation by the International Association for Labor Legislation, was

Working 10 hours a day

16,000 male employees
produced 16,000 Ford Cars
in February, 1913

Working 8 hours a day

15,800 male employees produced
26,000 Ford Cars in February, 1914

This is a striking example of results obtained under the short working day.

HOURS

put before the conference. The various countries signed an international treaty by which they agreed, as soon as possible, to pass legislation forbidding night work by women. By 1912 they had practically all done so.

About twenty American states have forbidden night work for women in certain occupations, but only a few have extended the prohibition to any large group of employments. In 1907 the highest state court of New York set aside a law of this kind, while in 1913, making special mention of the facts presented to it in a Brandeis-Goldmark brief, it unanimously reversed itself and upheld a similar law. Four or five additional states attempt to discourage night work by limiting it to a shorter period than day work.

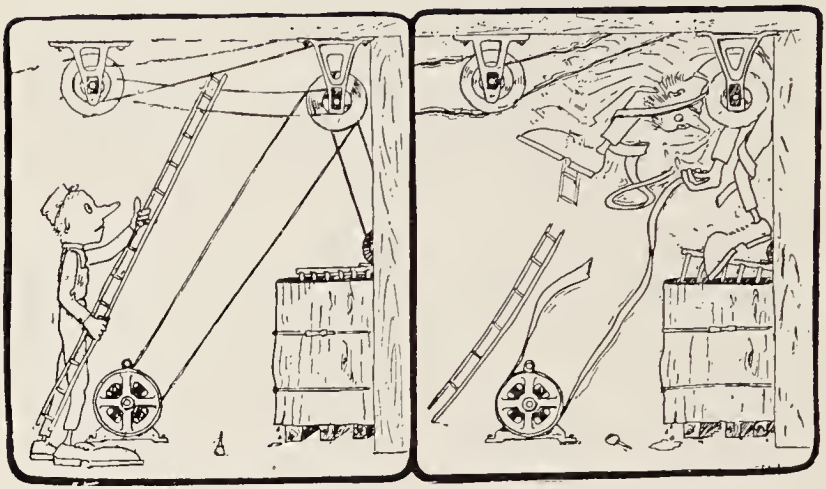
Regulation of Men's Hours

Laws restricting men's hours in general private employment are much less common—in fact in 1927 only a few American states had such legislation. Mississippi and Oregon both had ten-hour laws covering all factory employment.

One reason for American hesitancy to legislate on this subject has been the doubtful attitude of the courts. After the famous Lochner case in 1905, when the highest court of the land set aside a statute giving a ten-hour day to New York bakers, many people believed that general

laws affecting the hours of men were not constitutional in America. But in 1917, with many more scientific facts available as to the bad effects of long hours, the United States Supreme Court upheld the Oregon ten-hour law.

In spite of existing hesitancy, there are a good many hour laws for men covering lines of work which for one reason or other are supposed to be especially dangerous, and legislation on which can therefore run the gauntlet of the courts. With railroad employees, excessive hours mean not only danger to their own health and safety, but also a greater risk of accidents which may endanger the lives and property of passengers. Almost every state in the union, as well as the United States for interstate employees, has placed hour restrictions on two classes of railroad workers—firemen, engineers, conductors and others engaged in the actual handling of trains, and those who direct train movements, such as telegraphers and train dispatchers. For those handling trains, sixteen hours, to be followed by at least eight or ten hours of rest, is generally set as the limit of a day's work. Telegraphers may be restricted to eight hours under a three-shift system if employment is continuous, or at small stations to twelve or thirteen hours followed by a rest period of eight or ten hours. But the necessary permission to work overtime in "emergencies" leaves a loophole through



"WHY DIDN'T HE SHUT THE MOTOR OFF?"
Many serious accidents are the result of trying to adjust or reach across a running machine.

which these laws may be evaded, and their enforcement, though improving, leaves something to be desired.

About a dozen states have scattering laws affecting men's hours in other special lines of work. Laundries, electric plants, firing of stationary boilers, cement mills, saw mills, brickyards, textile mills, and drug and grocery stores, have all appeared to some legislators to demand special protection against the dangers of overwork.

Eight-Hour Day

The constitutionality of statutes which limit men's hours to eight a day is still uncertain. An Alaska court has set aside a measure of this kind,

but the United States Supreme Court has not passed on a test case.

Public employees, indeed, have frequently secured the eight-hour day by legislative action. A number of states and territories have an eight-hour day for all employees on public works whether carried on directly by state or city or undertaken by contractors. In other states the laws are more comprehensive, applying to all employees and not merely those on public works. The federal government has an eight-hour law covering all its own employees and many, but not all, workers on contracts for government supplies. Even during the war emergency the eight-hour standard was in large part maintained, though in certain cases overtime at higher rates was allowed. Certain groups of post office employees have also secured special eight-hour legislation, and firemen in several cities have obtained two-platoon or twelve-hour shift legislation, and are agitating a three-platoon system.

The latest hour law for railroad employees is the Adamson law. Rushed through Congress in 1916 to avert a nation-wide railroad strike, this act established eight hours as the standard for pay. There was much discussion as to whether the law would really reduce hours or whether it was merely a device to raise wages.

SAFETY IN THE FOUNDRY.

Protective clothing, goggles, and safety ladles are necessary safeguards for foundry workers.

Official investigation of the operation of the law showed both results. Some trainmen, especially in railroad yards, had their hours shortened; many received higher wages.

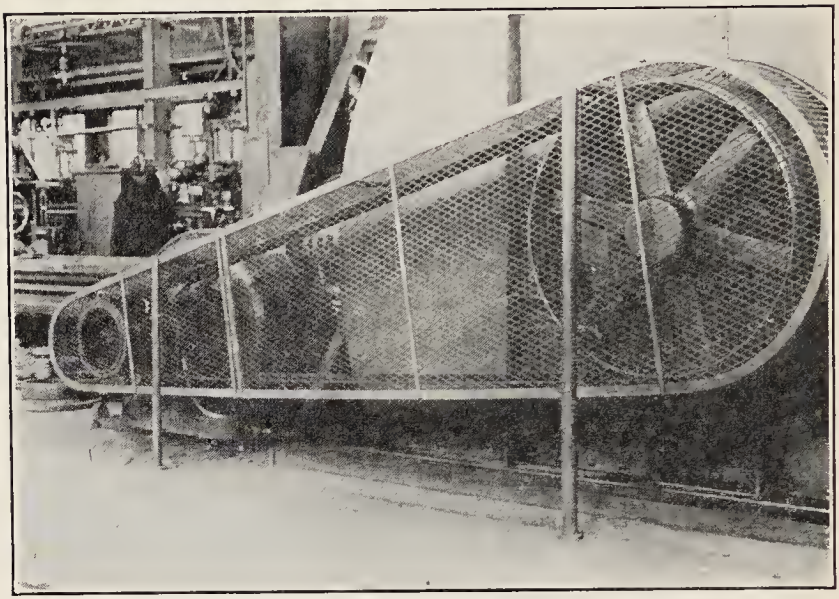
The eight-hour day in mines, where dangers to health and safety are many, has been secured by law in most of the important mining states.

A six-hour day is now the goal of organized miners both in England and America. One of the most scientific hour laws covers workers in compressed air in New York, New Jersey, and Pennsylvania. Modern tunnel and skyscraper construction requires a great deal of work of this kind. The number of hours' work allowed daily varies according to the amount of pressure, as does the length of the interval dividing the day's work into two equal parts. Starting with an eight-hour day followed by a half-hour rest if the air pressure is twenty-one pounds above normal, only an hour and a half of work is allowed when working under pressure of forty-five to fifty pounds, and the rest interval must be five hours.

Another reason besides the doubtful attitude of the courts why the progress of hour laws for men has halted in America is that organized labor has not been altogether favorable. Fifty years ago, when British workmen were demanding:

"Eight hours for work, eight hours for play,
Eight hours for sleep and eight bob a day,"

the National Labor Union, a predecessor of the American Federation of Labor, under the leadership of Ira Steward started a nation-wide movement for a universal eight-hour day by law. But the laws then secured for private employ-



BOX YOUR BELTS.

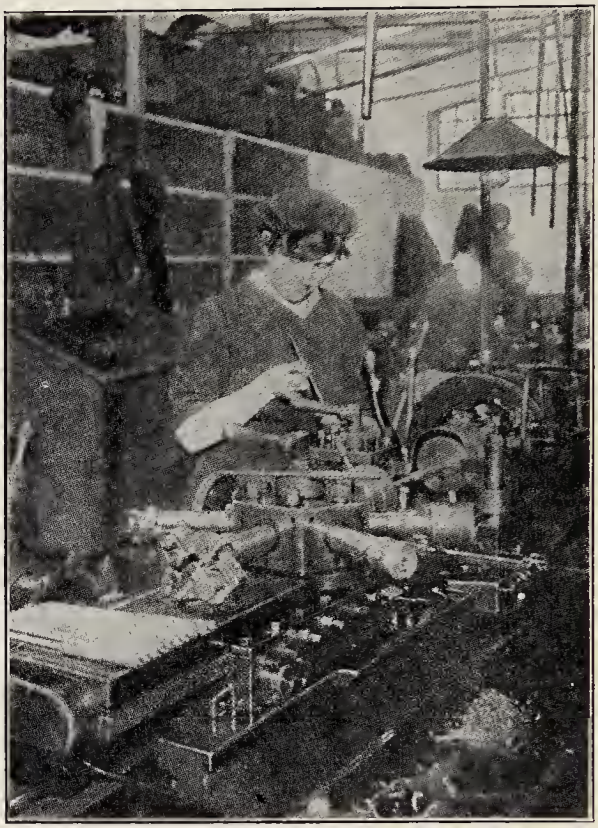
Belting is dangerous unless well shielded. Many men have been killed or maimed for lack of safeguards.

ments were not enforceable, and during the past generation trade unionists have supported hour reductions through collective bargaining rather than through legislation. Very recently, however, there are signs that this point of view is changing. The Adamson law had the support of the railroad brotherhoods.

Meanwhile, the eight-hour day, through trade agreements, arbitration awards, and voluntary concessions by employers, has made great advances during the last few years. In 1919, the Census of Manufactures found that 48.6 per cent

of the manufacturing establishments were operating on a forty-eight hour or less, weekly basis. But 3 per cent were operating over sixty hours. Many people were toiling twelve hours a day, seven days a week, in the so-called continuous industries such as steel plants, paper mills, power stations, and glass and chemical works. Men in these establishments generally change from day to night shift weekly or fortnightly, working twenty-four hours without rest at that time. The only practicable alternative to the twelve-hour day in these continuous industries is the eight-hour system, with three shifts. So glaring are the evils of the twelve-hour day that when responsible leaders in the steel industry, in 1923, announced that the eight-hour day was impractical an aroused public sentiment forced quick reversal of policy and the adoption of the shorter work period although much seven-day labor was continued.

After America entered the war the eight-hour movement was greatly aided by the favorable attitude of the government. "The eight-hour day is an established policy of the country," said President Wilson's personal mediation commission. The National War Labor Board, industry's supreme court for the settlement of labor disputes during the war, was equally favorable to the principle. Important industries for which an eight-hour day was established by award of a government board included many machine



RUNNING A LATHE.
The recent entrance of women into machine shops calls for an increase in safety measures.

shops and munition plants, packing-houses, shipyards, the lumber industry of the northwest, and news print paper mills. Several large steel mills set up the eight-hour day voluntarily in the early months of 1918. In the beginning of 1919 an epidemic of eight-hour day strikes swept through eastern textile mills. The strikers in

most cases won the reduction in hours, but sometimes had to accept a reduction in pay.

Many of the government wage awards, however, set up not the "straight," but the "basic" eight-hour day, overtime beyond eight hours at additional pay being freely allowed. When the war emergency was over, it was planned to abolish the overtime. The basic eight-hour day is of course a compromise of the eight-hour principle, and it frequently happens that the workers remain content with overtime pay and no real reduction in hours takes place. Carpenters on government construction work in Brooklyn even struck for a return of overtime when it was cut down shortly after the armistice, saying that they needed the extra money to meet Liberty Bond payments.

A counter-current, which aims at a real decrease in hours, is the trade-union and radical movement for a forty-four-hour week. As the eight-hour day becomes more common, this movement to secure a Saturday half-holiday is gaining impetus. It was the crucial issue in a New York strike won in January, 1919, by a large union in the men's clothing industry, the Amalgamated Clothing Workers.

The first official International Labor Conference under the League of Nations, meeting in Washington in 1919, adopted a convention for the legal eight-hour day. By January, 1927,

IN A MUNITION PLANT.

Powerful punch presses that cut through a metal plate at the touch of a lever. No place to be careless.

fully a score of countries had enacted eight-hour legislation.

One Day's Rest in Seven

Even with moderate daily hours, the worker cannot maintain his health and efficiency year after year without a weekly day of complete rest. The British Health of Munition Workers Committee, striving to build up the output of munitions of war, recommended the abolition of all Sunday work.

Yet under modern conditions, much work must continue every day in the week. Besides

the continuous industries, in which for technical reasons the plants must operate constantly, street cars cannot stop one day a week, milk must be delivered, power plants must continue to operate. In Minnesota in 1909, 14 per cent. of all men workers were reported employed seven days a week, while in New York the following year over 20 per cent. of 179,000 trade unionists in a number of specified industries were engaged in seven-day labor. The old-time Sunday laws, designed mainly to protect the Sabbath as a holy day, fail to meet these new conditions.

For this reason, a new type of law has been developed, providing one day of rest in seven for workers, but not specifying the day on which it must be taken. Necessary employees can, under such laws, remain at work on Sunday and take their rest-day during some other part of the week. In some cases where a plant must operate in full force every day, the employer may have to hire one-sixth more men, so as to let one-seventh of the total force off each day of the week. The expense of this plan will tend to cut down unnecessary Sunday work, and the Sabbath will be better protected than it is now. Effective laws of this kind, applying to workers in limited occupations, are in force in half a dozen states. Investigations indicate that without undue hardship to industry thousands of

workers formerly employed seven days a week have thus been given a rest-day. The courts have universally been favorable to the old-time Sunday laws, and the highest court of New York state took a similar position on the new type of law.

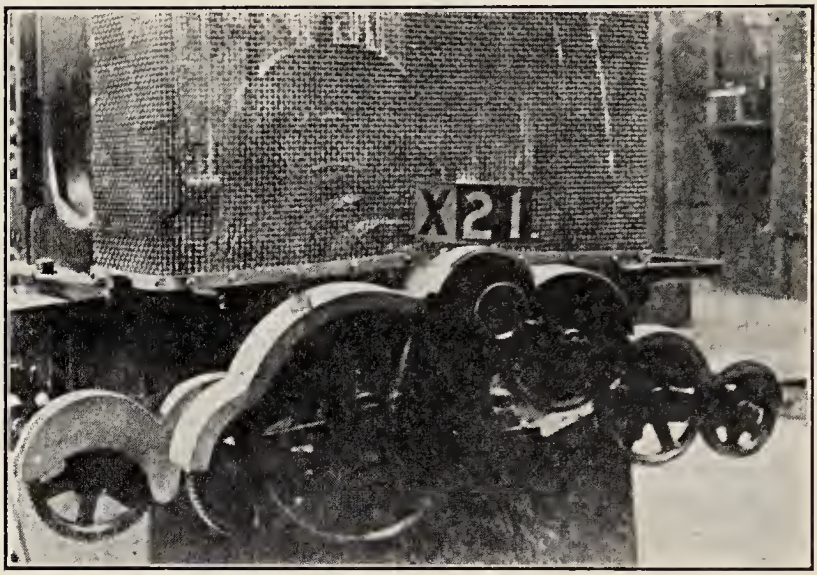
Safety

CHAPTER FOUR

IF work is to be a means of life and not of death, the places where it is carried on must be made safe. In the early days when manufacture was literally "making by hand," and was carried on by each craftsman in his own home or small shop, this was a simple matter. To-day, when hundreds or thousands of operatives toil under one roof amid high-power and rapidly moving machinery, with shafting and belting whirring overhead, with the tremendous forces of steam and electricity straining at their leash, and under conditions over which final control rests with the employer, industrial safety has become a very much more complex and important matter.

Accident Reporting

Not until Massachusetts took the lead in 1886 did any American state have on its statute books a law requiring industrial accidents to be reported. Slowly these laws spread to other states, but their results were not satisfying. Employers appeared reluctant to give out such information, and the state officials very rarely took the trouble to prosecute. Speaking at one time of eight



THESE GEARS ARE MUZZLED.

The teeth on this drilling machine will catch no one's limbs or clothing.

states which had reporting laws, a federal investigator said that "In none of them is there any pretense that anything like complete returns of accidents are obtained."

Decided improvement was wrought in this situation by the adoption of workmen's compensation for industrial accidents. When it was to somebody's interest—in this case the injured workman's—to report the accident to the authorities, the number of recorded casualties approached much more nearly to the number

which actually occurred. In New York, for instance, where the reporting and checking up system was among the best in the country, the number of accidents listed by the labor department rose from 94,000 the year before workmen's compensation was in force to 225,000 the year after.

Even yet the number of industrial injuries occurring throughout the country is not known precisely. An estimate issued by the United States Bureau of Labor Statistics places the number of fatal accidents at 25,000 annually, and injuries resulting in disability of more than four weeks at 700,000. Since about three-quarters of all accidents requiring medical attendance result in recovery within two weeks, the total number of injuries in American industry must be close to 3,000,000 annually. During the intense activity of the war period this figure was probably increased.

Mining, especially metal mining, is the most hazardous occupation, resulting in the largest number of deaths in proportion to numbers employed. Railroading, electrical work, and quarrying are high on the list. In agriculture, the introduction of power machinery has added to the earlier risks due to live animals, while general factory work, in relation to the occupations just named, is comparatively safe.

FIRST AID ROOM.

Up-to-date factories are equipped with first aid rooms where qualified physicians and nurses care for injured employees.

Factories and Workshops

Industrial safety laws in the United States most frequently deal with conditions in factories and workshops. Besides fixing a general minimum age of fourteen years for employment of children in general factory work, many states set a minimum of sixteen years for more dangerous processes, and in some states an additional two years' maturity is required for entrance to a number of especially hazardous occupations. The sixteen-year limit usually applies to such employments as cleaning and oiling machinery.

adjusting belts, and operating machine saws and grinding or stamping apparatus. Among the occupations for which an eighteen-year minimum is required are work in mines, at blast furnaces, or on railroads, outside erection of electric wires, and manufacture of explosives. Some states give the board of health or labor department power to add to these lists. Restrictions of this sort have repeatedly been upheld by the courts as a valid exercise of the police power, and in some states illegal employment of a child deprives the employer, in case of accident, of certain legal defenses or subjects him to double or triple compensation awards.

Furnishing a reasonably safe place to work in is a duty long recognized as resting on the employer. With the growth of large scale production it has been found necessary to establish certain codes to make this principle effective. The first American law requiring factory safeguards was passed by Massachusetts in 1877. Now practically every state has a factory and workshop act prescribing minimum conditions of safety.

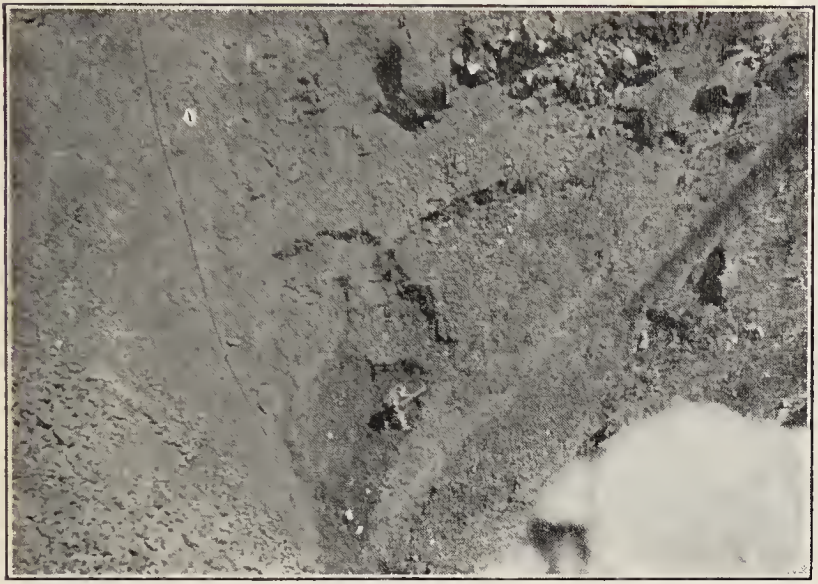
The point most frequently dealt with is safeguarding machinery. Mechanism for transmitting power, such as belting, shafting, and gearing, as well as the active parts of machines, like saws, planers, mangles, and emery wheels, must usually be securely guarded. If this is impos-

sible, it is sometimes required that notice of the danger be conspicuously posted. Loosely phrased requirements for fire escapes are found in many states, but it was not until disastrous factory fires had occurred in New York and New Jersey that scientific provisions for fire prevention and safe exits became general. Factory doors are supposed to swing out or to slide, and not to be locked during working hours. The courts have often held that failure to provide the required safeguards in itself constitutes negligence on the employer's part while some compensation laws allow increased awards in such cases.

Mining

Every state where mining is an important industry has adopted legislation looking to the safety of the men who carry on this hazardous work underground. In many cases these mining codes are among the lengthiest, the most detailed, and the most complex of our labor laws.

They usually require accurate maps showing all workings and open at all times to the mine inspectors, a sufficient number of escapement shafts, proper ventilation and supply of pure air, and periodic inspections to discover explosive or poisonous dusts or gases. Precautions against falling rock or coal must be taken by carefully timbering dangerous places. Rules are laid



IN A GLORY HOLE

This mine worker in case of a slide would have difficulty in reaching the distant safety rope.

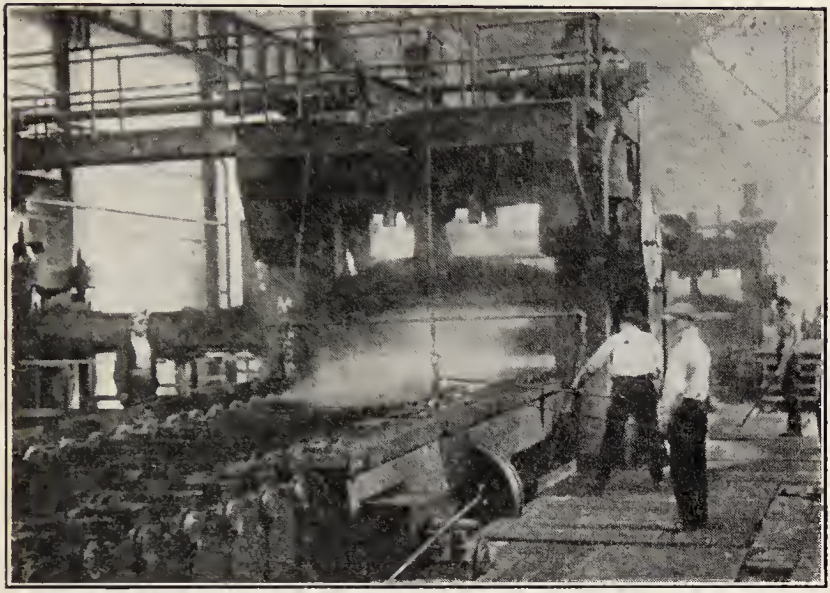
down for proper methods of drilling and blasting, protected hoisting cages, safety lamps, telephone connections, and sometimes a certain amount of first-aid equipment. Work of women in mines is usually prohibited. Enforcement of these provisions is usually given to a special body of mine inspectors. In 1910 a federal Bureau of Mines was established, which makes studies, publishes reports, and maintains mine rescue stations and cars, but has no power to enforce safety legislation.

Railroads and Street Cars

As the railroad pushed across the American continent, reports of deaths and maimings, particularly in connection with the coupling of cars, became more frequent. A few states enacted protective laws, but with the spread of interstate transportation it soon became evident that federal action was needed to avoid delay and secure uniformity.

Accordingly the Interstate Commerce Commission was in 1893 given authority over safety on the roads, and additional statutes required approved automatic couplers, grab-irons, power brakes, and other safety devices. In 1910 the commission was given further power to investigate train accidents and make public recommendations. In 1890, when only about 10 per cent. of railway cars were equipped with automatic couplers, casualties in the coupling of cars formed nearly half of all accidents to trainmen. By 1912, when 99 per cent. of all cars were so equipped, coupling accidents formed only about 8 per cent. of the total. In this legislation and its beneficial results the United States is far ahead of European countries, where for military reasons the various national railroad administrations have feared to install uniform coupling devices.

Recently much attention has been called to



A MODERN STEEL MILL

Direct descendant of the village blacksmith shop. One of the basic industries of our civilization.

full-crew legislation, demanded by railroad workers on the ground that trains are continually being made longer and heavier, without proportionate increase in the size of the crews. The railroads have fought these laws on the ground of increased operating expense, but nearly half the states have enacted them.

Numerous states have also adopted regulations specifying the power of headlights, the blocking of frogs and switches, proper clearance along tracks, sheds for repair workers, and other safeguards. Many states require railroad

employees to pass tests for color blindness or other defects of vision.

Employees on street or interurban railways are also frequently protected by state or municipal action. Among the requirements thus enforced are closed vestibules in winter, seats for motormen, automatic brakes, and examination of employees.

Navigation

Until 1915 the American seaman was kept in a condition of semi-slavery through employment under a contract which was enforceable by imprisonment. A few state laws regarding boiler inspection and signal lights, and timid federal legislation on size and experience of crews and certain conditions of living and working on shipboard, left the sailor still in an unsatisfactory position.

In 1915 Congress passed the far-reaching seamen's act, which permits men to leave a ship in a safe port, and abolishes arrest and imprisonment as a penalty for desertion. It furthermore makes provisions for proper washing places and sleeping quarters, additional life boats, and larger and better equipped crews.

Certain other industries are brought under the safety regulations of some states. Typical provisions relate to scaffolding, fencing of hoist

ARC WELDER'S HELMET.

A necessary protection to the arc welder against the intense glare and flying particles of molten metal.

holes, and filling in floors in the construction and painting of buildings.

Administrative Orders

Helpful as these safety laws have been, they disclose on close examination four fundamental defects.

First, they are incomplete. They cover only certain specific machines or processes or conditions which are in the minds of the legislators at the time, and others as dangerous or even more so are left unregulated.

Again, they often fail to place direct responsibility on any one for improving conditions. Safeguards are required "in the discretion" of the commissioner of labor, or if he "so directs." The result is practical license to maintain danger spots until these are specifically pointed out by the inspector.

Third, they lack well-defined standards. Legislators, not being industrial experts, could not be expected to draft specific safety standards for the vast variety of establishments in their states. Consequently they left the laws vague, and expected poorly trained inspectors to determine in each case what was required. This discretionary power, often blunderingly or arbitrarily used, resulted in dissatisfaction to everyone concerned.

Finally, the statutes were not flexible enough to meet rapidly changing conditions. The more careful and precise the statute, the more rapidly was it in danger of falling out of date due to technical developments.

As a remedy for this situation, several of the most progressive states, such as New York, Ohio and Wisconsin, have adopted the method of ad-

ministrative orders. The legislature lays down the general law that workplaces shall be made safe. Committees of employers, employees, and technical experts in the various industries are called together by the state industrial commission to draft rules which shall achieve this result. After public hearing these rules are issued by the commission, and have the force of law. Thus the experience of the worker, the interest of the employer, and the constructive ability of the trained technician are welded together in a co-operative effort for "Safety First." Further encouragement is given to this movement by the rapid spread of workmen's compensation laws which make all accidents costly.

Health

Chapter Five

NOT only must industry be made reasonably safe from accident, it must be made free from preventable disease as well.

Occupational Disease Reporting

In the absence of widespread laws for workmen's health insurance, we have no reliable data on the amount of sickness in the country which is attributable to industrial causes. In 1911 California enacted the first American law requiring the reporting of occupational disease.

DOUBLE "WRIST DROP."

Hands of workman paralyzed for sixteen years as a result of lead poisoning. Five of his fellow workmen died.

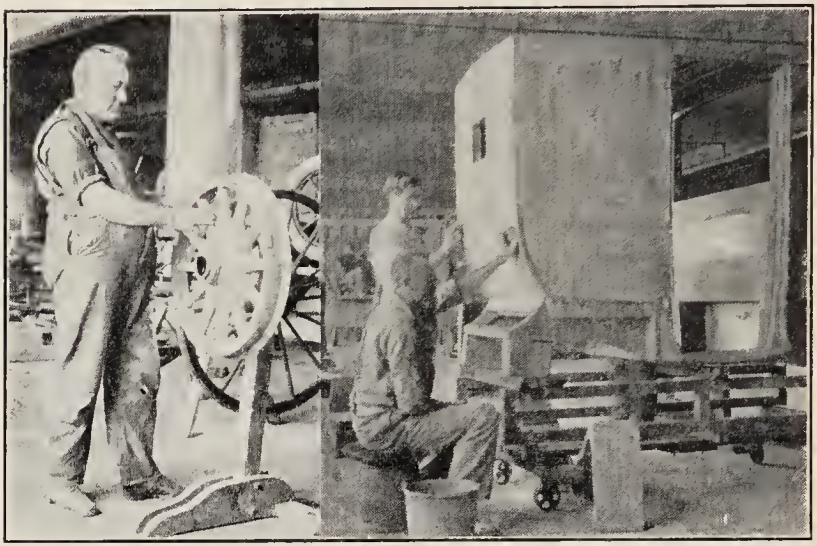
Within five years, as the result of vigorous and sustained effort, sixteen states enacted similar statutes. Yet the results from these laws have been meager. They have been useful mainly as affording occasional clues to individual plants where further precautions should be taken. For the country as a whole we must still depend on estimates. One group of experts concluded that, on the basis of 33,500,000 persons gainfully occupied, no fewer than 284,000,000 days' illness occur annually, causing an economic waste of nearly $750,000,000. Fully one-quarter of this enormous waste, they computed, could be prevented by deliberate effort, largely in the direction of greater care and cleanliness in the nation's workshops.

Causes of Occupational Disease

The causes which give rise to diseases so closely and unmistakably connected with the patient's work as to be justly considered occupational, are highly varied. They may be dangerous dusts, acids or fumes. Of these a careful list of fifty-four has been prepared by the International Association for Labor Legislation, under the name "industrial poisons." One of them, lead, is in constant use in more than 100 trades, from embroidery to house-painting. It may cause lead colic, paralysis of the wrists ("wrist drop"), or even death. Another is mer-

cury, sometimes used in mirror and thermometer making and in fur work, which produces a peculiar type of palsy known as "hatters' shakes." Yellow phosphorus, formerly used in the manufacture of matches, destroyed the jaws of those whom it attacked. During the war the suddenly increased use of picric acid and "trinitrotoluol" in filling shells, and of "tetrachlorethane" as a solvent in the varnish for airplane wings, gave rise to hundreds of cases of obscure poisoning and many deaths. Even if the dust given off in a trade is not poisonous—as the lint in a silk mill, or the grit in a quarry—after a long period of infiltration into the lungs it will cake the tissues and set up mechanical irritation and various forms of lung trouble. "Back in the first century after Christ," says Dr. Alice Hamilton, long an expert on these questions, "Pliny the Elder spoke of the diseases of slaves, lead poisoning and mercury poisoning, and the consumption of knife grinders and potters. We have all of these still with us."

Harmful germs and parasites also occur in industry. Thus the anthrax bacillus may infect tanners and workers in wool and hair, while miners' hookworm menaces those who toil under insanitary conditions amid warmth and moisture underground. The tunnel or caisson worker dreads compressed air illness or the "bends" caused by coming back too rapidly to an at-



PREVENTION OF LEAD POISONING.
By use of wet methods of polishing, the dangerous dust can be kept down.

mosphere of normal density. Telegraphers' cramp, a painful twitching of the eyeballs known as miners' nystagmus, and other occupational neuroses come from excessive strain and long continued use of a single set of muscles. More difficult to trace are the ailments which may arise in any industry from improper lighting, poor ventilation, and ill-regulated temperature and humidity.

Health and Morals of Child Workers

Many of the restrictions on child labor are designed as a protection not so much against accidents as against dangers to health and mor-

als. Thus some states set a minimum age of sixteen years for employment with lead or compositions containing poisonous acids. Others have fixed limits as high as eighteen or even twenty-one for night messenger service or other morally dangerous work. In a number of leading states children applying for work permits must be physically examined, and educational requirements are common.

Employment of Women and Men

Because of their inherently weaker resistance to certain health dangers, as well as for moral reasons, women are frequently restricted from some kinds of work. Among these are occupations which require constant standing, operation of emery or polishing wheels, and employment in saloons. Some states forbid the employment of women in manufacturing or mercantile establishments for a few weeks before and after childbirth.

Legal regulations for the exclusion of men from dangerous employments apply only to individuals who are found by examination to be unable to withstand the hazards. Thus a few states bar from work in compressed air men who fail to pass a physical test or who use intoxicants to excess. But most common occupational diseases come on so slowly that the examination must be repeated periodically if health is to be

"DOPING" AIRPLANE WINGS.

The varnish which kept the birdmen's wings taut contained a poisonous substance known as "tetrachlorethane."

properly guarded. Such examinations are provided for in these compressed air laws, and also in the "lead laws" of half a dozen important lead using states. In bakeshops and other food establishments statutes occasionally prohibit the employment of persons with a contagious disease which might be passed on to fellow workers or to consumers of the product.

Prohibition of Dangerous Substances

Another form of prohibitive legislation designed to protect health forbids the industrial use of well-known poisons or other disease-pro-

ducing agencies. Most European countries have united in an international treaty banning poisonous phosphorus in the match industry, and the United States attained the same result by levying a prohibitive tax of two cents a hundred on matches made with this ingredient. The British colonies and important Asiatic and Latin-American countries have also outlawed it. Some European countries, notably France, have taken steps to prohibit the use of lead in paint.

Famous in textile history is the "kiss of death" shuttle, which requires the operative to suck the thread into it. Several New England states now forbid the use of shuttles of this type, but because of the difficulty of finding satisfactory substitutes the laws are not very effective. Contagious diseases among glass blowers are guarded against in France and Portugal by requiring individual blowpipes. Use of the common drinking cup or towel is forbidden in some states, and pure drinking water is often required.

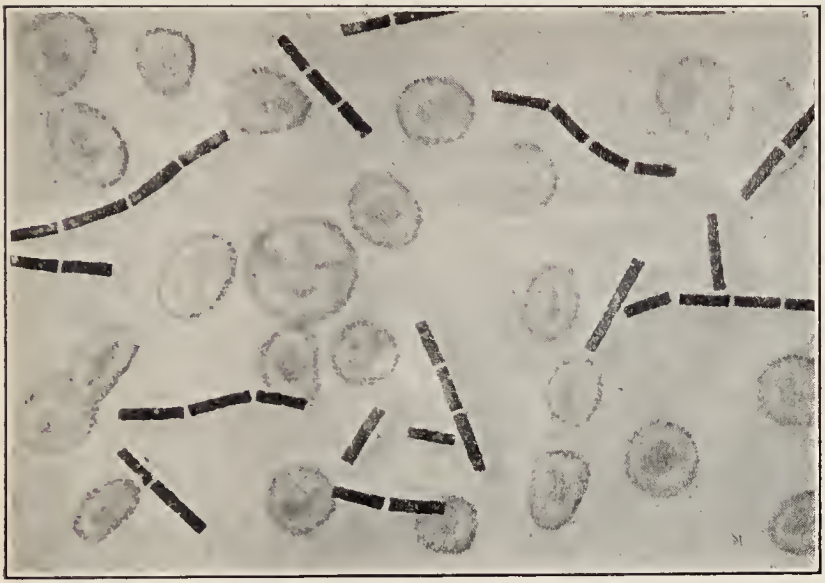
Regulation of Workshop Conditions

Less drastic than the principle of prohibition is that of regulation, which has been followed in most enactments on industrial hygiene. Dust and fume, whether metallic, chemical, vegetable or animal in origin, and whether poisonous or not, are among the most insidious and serious of modern health hazards. Illness and death of

wage-earners vary almost in direct proportion to the contamination of the air supply in their occupation. Hence about half the states have enacted provisions that factories shall be ventilated, but the wording is in most cases so vague that it means little. More important are the statutes which require the removal of dangerous dust and fume at the point of origin by specially constructed hoods, hoppers, and exhaust fans. Regulations of this type have been established either by statute or by administrative order principally in the large lead using states. As additional precautions most of these laws require wet cleaning methods, respirators, washing facilities, special working clothing, separate washing and lunch rooms and prohibit the bringing of food or drink into the work places. Similar provisions in other countries have helped reduce the risk of lead poisoning far below previous American experience.

Despite recent striking increase in the number of anthrax cases among tanners and leather workers, the United States has done little to combat this striking industrial disease. Common legal safeguards in other countries include disinfection of hides, hair and bristles, special overalls, neck coverings and gloves, and facilities for thorough washing.

Some states forbid sleeping in workrooms, and some require that rags for wiping machinery be



ANTHRAX GERMS.

The slender rod-like bodies are the anthrax bacilli among the blood corpuscles of a patient.

sanitary. To guard against infection from small wounds, the requirement of factory "first-aid" kits is growing.

Particularly striking is the special protection of women manifested in the legislation requiring seats, toilets, and dressing rooms. Almost every state requires seats for women in mercantile establishments, and a majority extend the provision to manufacturing. These laws are of little importance, as it is practically impossible to make sure that use of seats is permitted. Nearly every state requires sanitary and separate toi-

lets for women workers in addition to those for men.

Tenement house manufacture, or the "sweat-shop" system, is often held up as a pleasant and easy method by which poor women and children can add at leisure to the family income. As a matter of fact, such work has usually proved a menace to wage standards and to existing labor laws. Congestion, insanitary conditions, unregulated hours and unrestricted child labor flourish when thousands of tenement factories are added to the burden of the factory inspector. Attempts to prohibit tenement house manufacture have so far been ruled out by the courts, but further restrictions are gradually being secured.

In the field of industrial hygiene as well as in safety work it has been found inefficient for the legislature to enact hard and fast standards which are incapable of amendment until the following session. So diverse are the requirements of different industries, and so rapidly do technical processes change, that here also there is need of the method of regulation by continuing investigation by committees of those directly interested, under supervision of an industrial commission. When occupational and other sickness is brought under social insurance as accidents already are, much more attention will be paid to its prevention.

Collective Bargaining

CHAPTER SIX

WORKING people did not always have the right to organize into unions for the advancement of their own interests, as they have to-day in most civilized countries. When the craftsmen's guilds of the middle ages gave way a century ago to the present industrial system based upon the relation of employers and employees, the workmen were often forbidden to meet for the discussion of trade matters. Associations of wage-earners were declared to be "conspiracies," and were prohibited by law in both England and France.

The idea that unions of workers were conspiracies was brought to America by the colonists, and many strikes or movements for better pay in this country were followed by prosecutions. In the earliest cases the juries always convicted. But the spread of the factory system, throwing workers together in larger and larger groups, and giving them a sense of their common interest, directly encouraged organization. In 1824 and 1825 the conspiracy statutes in England were repealed, and during the following decade in America the doctrine was gradually

HATTERS' SHAKES.

Hatters, mirror makers and others who come in contact with mercury, contract a peculiar palsy or trembling of the hands.

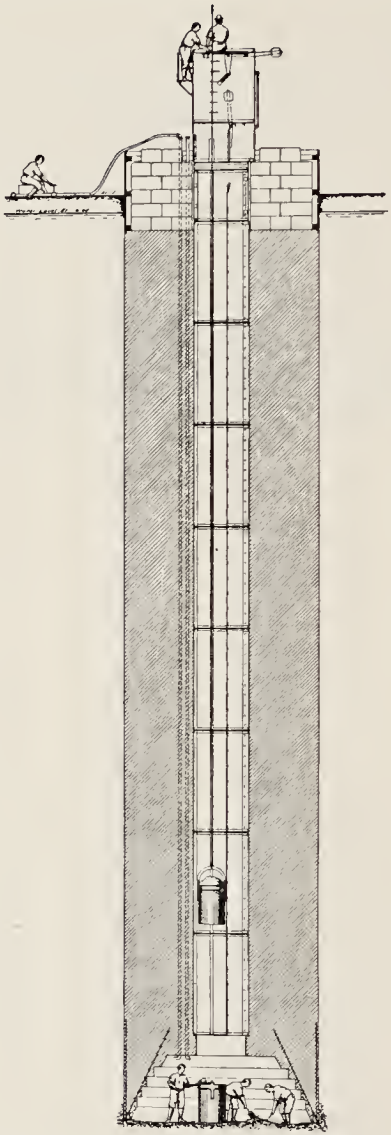
modified by common consent and interpretation by the courts.

Growth of Trade Unions

The first recorded trade union in America was a little local organized by the Philadelphia shoemakers in 1792. By 1833 the workers had learned the value of all the trades in one center sticking together, and the first city federation of unions in various crafts was formed in New York. Three years later the shoemakers built up the first national union, which took in members of their trade throughout the country. Now there are about 125 such national unions, representing most of the important trades, and affiliated mainly with the American Federation of

Labor. Their membership includes some 4,000,000 people, or about one-tenth of all the gainfully-employed in the country. In England and other countries the proportion of those organized is much larger.

Many employers, including some of the largest corporations, still bitterly oppose all attempts of their men to organize, and will not allow a union member to work for them if they know it. In their efforts to prevent the growth of unionism they are assisted by certain Supreme Court decisions. In one case the court declared that employers had a perfect right to discharge workmen for joining a union. In another case this highest court in the country decided that a union had no right to attempt to organize men if they had agreed as a condition of employment not to join any union. These two decisions together seem to make it possible for powerful employers absolutely to destroy all organization among their working force, although they themselves have full scope to unite in manufacturers' or employers' associations of various sorts. Nevertheless, the legal right to organize is now generally recognized. To protect this right Congress a few years ago passed the Clayton act, which declared that "labor is not a commodity" and for a time it was thought by many that this would prohibit the laws against trusts from being interpreted so as to interfere with the



CAISSON IN FULL OPERATION.

Workers ("sand hogs") at bottom of caisson work under atmospheric pressure to prevent water from flowing in.

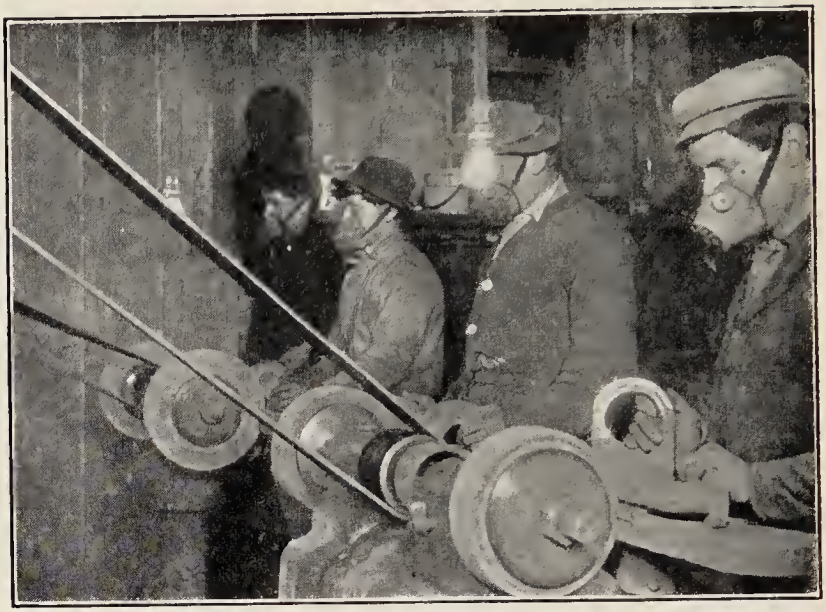
existence of labor organizations. During the war, in order to prevent serious unrest and consequent reduction of output, the government went even further. Through the War Labor Board and other bodies for the settlement of disputes it induced many anti-union employers, temporarily at least, to permit unions in their establishments.

Following the war there were a number of adverse court decisions, including those in the Duplex Printing Press case in 1921, and the Coronado Coal case in June, 1922, which, despite the Clayton Act, seriously limited the freedom of trade unions.

Strikes and Lockouts

But while the right of labor unions to exist is no longer questioned in this country, they are still hampered in many of their activities. Forced labor is slavery, and therefore is not permitted in America except as a punishment for crime. Hence a man cannot be compelled to work if he wants to quit, even if he has signed a contract to work. But when many men quit together, the action becomes a "strike," and this act, the most essential of labor's weapons, has often been condemned as illegal.

The theory on which some strikes are condemned is that many persons acting together have a power for harm which no one person pos-



PROTECTED FROM DUST

Respirators keep flying particles of metal from getting into grinders' lungs.

sesses. The deciding point appears to be the rather vague one of whether the movement is designed primarily to benefit the strikers, or to injure the employer or non-unionists. Thus strikes for higher wages or shorter hours are everywhere considered lawful. But strikes to gain a closed shop, sympathetic strikes, strikes against obnoxious foremen or non-union material and strikes growing out of jurisdiction disputes between rival unions, have been condemned in many states. Only in California is it settled law that all strikes are legal. On the

other hand, the right of an employer to close his shop when he wishes, in other words to enforce a "lock-out," is still unquestioned.

Picketing

Strikes cannot be won if the employer is able to fill his shop with strike-breakers. Hence the strikers try to prevent the employer from getting them. They may do this either through persuasion or through intimidation. All courts agree that intimidation is unlawful, but persuasion is usually permitted.

There is, however, no very clear line between the two. Many courts uphold peaceful picketing, but others declare that there is no such thing. Charges of violence are often made by both strikers and employer, but the evidence is seldom clear, and most decisions have gone against organized labor. In several states the courts have condemned all picketing, and some have even made it illegal by statute.

Boycott and Blacklist

Another collective weapon of labor to secure its demands is the boycott. The cooks or waiters may by pickets or advertising attempt to turn trade away from a restaurant keeper who refuses to hire union help or to grant union conditions. This is a so-called "primary" boycott. But few

employers sell directly to consumers. If the hatters wished to enforce a boycott on a hat manufacturer, they would have to appeal to their friends not to purchase his goods from the haberdashers. This would bring into the matter a third party, the retailer, who was not directly concerned in the original quarrel, and would constitute a "secondary" boycott.

As early as 1886 boycotts were declared illegal, and many decisions have since confirmed this view. Both kinds of boycotts are usually condemned, but the court statements against primary boycotts are all incidental references in decisions which condemn secondary boycotts. The argument against the secondary boycott is usually that it amounts to an attempt to coerce a third party, and therefore is a conspiracy.

Until 1908, however, boycotting was conducted openly and fearlessly. Trade union papers customarily carried long lists of employers under the heading "Unfair" or "We don't patronize." In the year mentioned a Danbury hat manufacturer was awarded triple damages and costs under the anti-trust law for alleged injuries to his business through a boycott started by the hatters' union in the struggle to organize his shop. More than $230,000 was levied against the union, and as it could not pay, the threat was made that the homes of several members would be sold to satisfy the judgment. This was avert-

CLEANLINESS BREEDS HEALTH.

Workers should not eat or leave the factory without thoroughly washing their hands.

ed by collection of an assessment among the organized workers generally. Less use is now made of the boycott than formerly.

The weapon in the employer's hands which most closely corresponds to the boycott is the "blacklist," or the agreement not to employ certain workmen. Most states have laws prohibiting blacklisting, but they are dead letters. In these days of watermarked paper, telegraph, and telephone, it is easy for one employer to give another secret information which may lead to a workman's discharge. The employer's right to

A FACTORY HOSPITAL.

Hospitals in modern industrial establishments help to maintain health and efficiency.

discharge is absolute, and the man who is deprived of a livelihood usually has no proof against the person who supplied the information.

"Open" and "Closed" Shop

As already stated, strikes to secure a "closed" shop are often held to be illegal. A closed shop is one in which only members of the union are permitted to work. Employers object to this restriction as an interference with their business, and are likely to contend for the "open" shop, in which theoretically any one, union or non-union, may find employment. In practice, however,

the open shop in name is usually a closed shop in an opposite sense—closed to union members. Unionists point out that if they allow nonmembers to slip in, their own control of the shop is weakened and standards are soon lowered. Wages are cut, or hours lengthened, or the beginnings of industrial democracy are stamped out. Since the employers' right to organize is unquestioned, labor believes that it should be given equal privilege.

Mediation or Conciliation

In the effort to secure industrial peace, various plans have grown up for preventing disputes between employers and employees from becoming acute, or for bringing the two sides together after a break has occurred. About three-quarters of the states have permanent boards for this purpose. The federal government also has various provisions of the sort, the best known having been the War Labor Board created in 1918. In mediation or conciliation the government officials act as go-betweens consulting employers and employees in turn. They carry proposals from one to the other, or bring them into joint conference, so that an agreement may be reached. The opportunity for sympathetic and tactful work in this direction is very large, and settlements gained in this way are likely to satisfy both parties.

SHOP COMMITTEE MEETING.

The members of this committee meet periodically to discuss the problems arising out of their work.

Arbitration

Another method of settling trade disputes is arbitration, in which a binding decision is given by an outside agency. Attempts to require the compulsory submission of disagreements to an arbitration tribunal never made much headway in England, except for a time during the war, but in New Zealand and Australia compulsory arbitration boards have been universally established within a couple of decades. One reason for this trend is the growth of political democracy, which brought about more confidence of

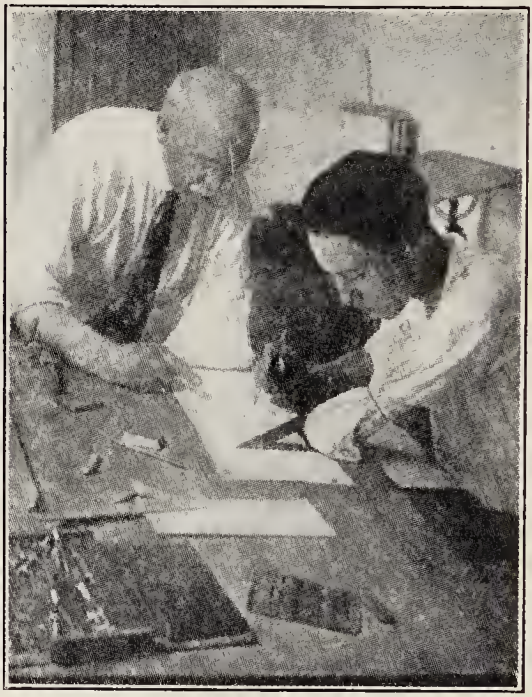
the people in the government. Another is the demand of employers for protection against the more powerful unions. As a means of preventing strikes these laws have often been commended, but they have not prevented suspension of work in some important cases.

A Canadian law requires the compulsory investigation of industrial disputes and prohibits strikes or lockouts in public utilities and mines without due notice. The miners are hostile to the law, as they say it gives the companies time to secure strike-breakers and to pile up stocks of coal. Employers favor the act, and it seems on the whole to have diminished the number of strikes. A similar statute was adopted by Colorado in 1915, but has aroused much bitterness among organized labor. Kansas, in 1920, enacted a unique American law for compulsory arbitration, but following severe court limitations it was finally repealed in 1925.

At the same time, many prominent employers and labor representatives favor the existence of state or federal tribunals before which disputes can be voluntarily laid by those concerned, with the understanding that the decision will be binding. The War Labor Board, created to meet emergency situations in munitions, shipbuilding and other essential industries, acquired a country-wide reputation for fair and enlightened decisions.

Toward Industrial Democracy

The emphasis laid on the idea of democracy during the war had its echo in industry. It suddenly strengthened the demand which labor had been falteringly making for representation in economic as well as in political affairs. More and more of late have the workers been striving not only for better wages, hours, and conditions, but for an actual voice in industrial management. The British "shop stewards' " movement,



PRACTICAL RETRAINING.

Maimed worker learning draftsmanship in spite of loss of an arm.

which aims to set up in the shops a form of trade union administration more responsive to the wishes of the rank and file, is only another manifestation of this tendency.

During the war labor in all countries secured a degree of recognition little known before. Its leaders became cabinet ministers. It had a seat on governing boards of important war industries. It awoke to a new sense of its own responsibility and power which it is not likely to lose in the future.

Notably in England has constructive attention been paid to the new aspirations of the working masses. There a joint official commission of employers and trade union leaders, while the conflict with Germany was still on, submitted to the government a detailed plan for labor's participation in the government of industry. The commission recommended the establishment, in all important branches of production, of joint standing industrial councils composed of representatives of both employers and employees. These councils are to consider such questions as industrial relations, wage adjustments, security of employment, technical education and improvement, legislation, and extension to the workpeople of further responsibility for determining their conditions of labor. To assist in these objects, district councils within each industry are proposed, organized on the same

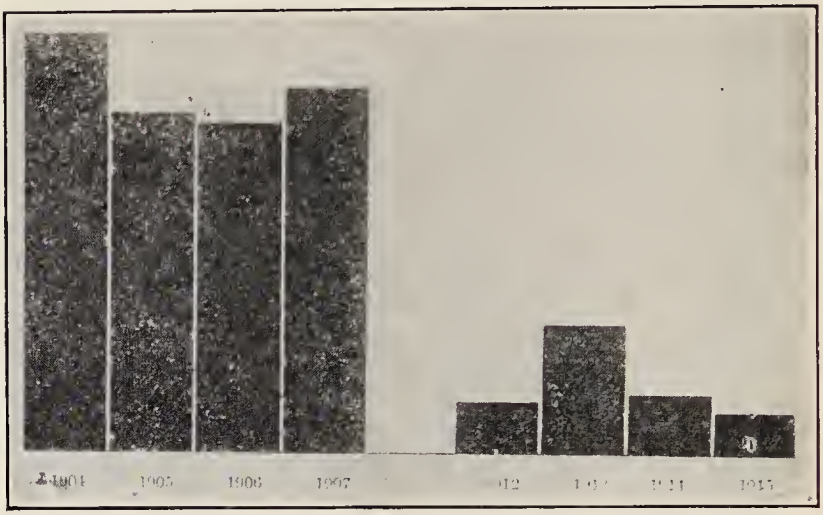
basis of joint representation, and under these there are to be works committees for individual plants. About sixty national industrial councils were in operation in Great Britain on March 31, 1922. In the United States where the period immediately following the war was one of increased hostility to organized labor, the movement for increased representation of the workers in industrial management made much less progress.

Social Insurance

CHAPTER SEVEN

AS long ago as 1559 Sir Nicholas Bacon, in opening Queen Elizabeth's first Parliament, referred to the fact that wise merchants "in every adventure of danger" paid part of the value of their cargo to have the rest insured. Other kinds of insurance soon sprang up, so that to-day we have fire insurance, burglary insurance, hail insurance, and many similar devices for distributing economically among many the losses which would otherwise fall crushingly upon a few. For the working man and woman, who depend for a livelihood not on income from property but on wages earned by their daily labor, some form of insurance is equally necessary to protect them against destitution following industrial accident, sickness, unemployment, invalidity, and old age.

Still it has been found that the mass of wage-earners do not readily take out insurance against these hazards through ordinary commercial channels. The reasons for this failure are partly the inadequate incomes of the majority of wage-earners, which leave insufficient margin for the purpose, partly the excessive cost of private insurance operated for profit, and partly lack of



REDUCTION OF INDUSTRIAL ACCIDENTS

Decrease in one large establishment after the passage of the New York workmen's compensation law.

foresight. Collective action has been found necessary if the insurance is to become general. The system of providing wage-earners with reasonable protection against the hazards of life by legislative enactment, at low cost, often assisted by contributions from employers, and usually with the element of compulsion introduced, is called social insurance.

In addition to warding off destitution due to mischance, insurance has another very desirable social effect. It gives force to efforts for cutting down the risk, so as to reduce the cost of the insurance. "If society and industry and the individual," said Louis D. Brandeis, in 1911,

before he became a member of the Supreme Court, "were made to pay from day to day the actual cost of sickness, accident, invalidity, premature death, or premature old age consequent upon excessive hours of labor, of unhygienic conditions of work, of unnecesary risk, and of irregularity of employment, those evils would be rapidly reduced." This prophecy has already been strikingly fulfilled with regard to industrial accidents.

Workmen's Compensation for Accidents

Accidents are spectacular. They occur at a definite time, and responsibility can usually be fixed. Probably for these reasons the first form of social insurance to be extensively developed in the United States was workmen's compensation for industrial accidents.

Before the introduction of workmen's compensation laws the injured employee could recover for his suffering, maiming, loss of earnings, and expense of medical treatment only by suing his employer in a court of law. As such action was likely to mean discharge, few employees sought their legal remedy unless the injury were very severe and the expected indemnity correspondingly large.

If a case was brought to court, the employer sought shelter behind a number of traditional legal defenses. One was the "fellow servant"

WORKMEN'S COMPENSATION LAWS
JANUARY 1, 1927

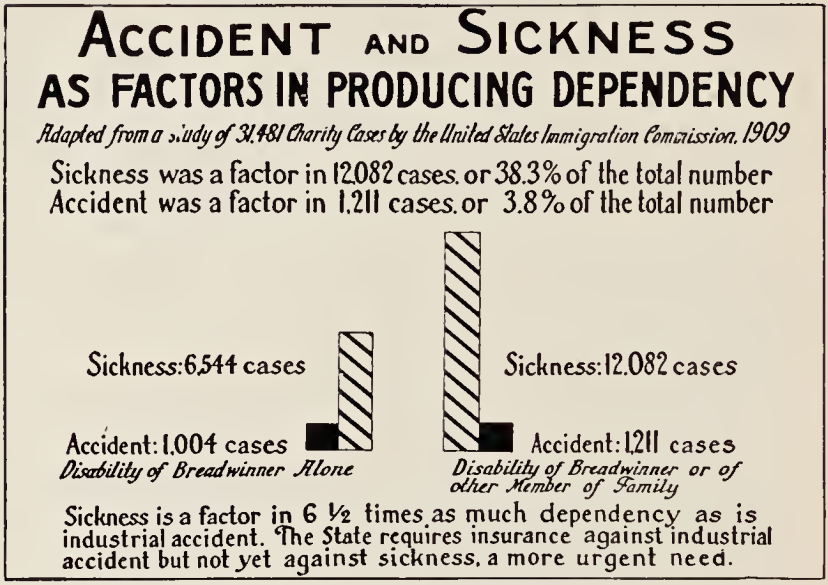
In addition, Hawaii and Porto Rico, and the federal government for its own employees have compensation laws.

rule, by which it was frequently held that some other workman, not the employer, was responsible for the injury. Since most employees nowa-days work in large groups, this was very often the case, and the injured workman lost his suit. Another defense of the employers was "contributory negligence," which meant that the victim

of the accident had brought it on himself by some want of care, however slight. Finally, the employer might claim immunity under the principle of "assumption of risk." According to this principle the workman by accepting employment took upon himself all the customary hazards of the occupation, and also any extraordinary risk of which he became aware, but in spite of which he continued working.

It can readily be seen that under such conditions injured workmen, or their dependents if the accident were fatal, stood small chance of recovering damages. Moreover, employers usually insured their liability with casualty insurance companies, which maintained strong batteries of expert legal talent for defeating workmen's claims. Investigations showed that of every $100 paid by employers in liability premiums, only about $28 ever reached the claimants, and so late that the worst of the need was past.

Rising dissatisfaction with these methods resulted in the American movement for workmen's compensation legislation similar to that which was already in force in some European countries for decades. Two pioneer statutes were declared unconstitutional, but in 1911 the first state compensation act to go into permanent effect was secured in New Jersey. In the period 1911-1922 the legislation spread to forty-five



NEED FOR HEALTH INSURANCE.

states and territories, and the United States government adopted a model act covering its own half million civilian employees. The validity of these laws has now been established beyond question by favorable decisions of the Supreme Court.

The direct aim of these laws is twofold—to restore the injured man to industry as completely and quickly as possible, and to provide for the support of the family during the period of disability. All American laws provide for medical care, but many hedge it in with limits ranging from two weeks to one year in time or from $100 to $800 in amount. To lighten the administrative burden and to discourage men from

"laying off" unduly for minor injuries, most laws set a "waiting period" of from three days to two weeks during which no compensation is paid. As only about 25 per cent. of accidents requiring medical care cause disability for more than two weeks it is clear that the latter period is too long. For death and disability the best laws, such as those of New York and Ohio, award 66 2/3 per cent. of wages, within certain limits. Death benefits in the good laws are paid until the widow dies or remarries, and disability benefits during the disability even if it be lifelong. For partial disability several sliding scales have been devised to apportion compensation to the degree of incapacity. Important provisions in most of the acts require employers to insure their risk, sometimes in a state fund, in order to guarantee benefits to the injured, and provide for supervisory administration by a state bureau or commission. A beginning has also been made in providing vocational reeducation or "rehabilitation" for men who sustain permanent injuries which interfere with their continuing in their old occupations.

In about a dozen laws, including the federal employees' act, occupational diseases are covered. It has been found that so doing staves off hardships in some meritorious cases, and increases the cost of the act only 1 or 2 per cent.

Health Insurance

Most sickness from which wage-earners suffer, however, cannot be clearly and directly traced to industry. Therefore even the wide adoption of occupational disease compensation would leave most of the sickness hazard uncov-

(Courtesy New York Women's Joint Legislative Conference.)

"PROTECTED!"

This workingman's family is ready for the inevitable "rainy day" caused by sickness.

ered. Further protection is needed if the present enormous yearly wage losses and doctors' bills are to be more equitably distributed.

The draft boards have shown that about a third of America's young manhood is physically unfit for military service. Sickness causes seven times as much appeal to charity as do industrial accidents. About one-third of those too ill to work are getting no medical care. Every year 15,000 mothers die from causes connected with childbirth, and 250,000 infants are carried off in the first year of their lives. Throughout the country the degenerative diseases—the wear and tear diseases—are on the increase.

These well-known facts point to the need for social action, and one of the most frequently indicated steps is the establishment of workmen's health insurance. Official investigating commissions in five states have reported in favor of this measure. A bill passed by the New York state senate with the full backing of the state federation of labor and scores of civic organizations sought to provide for sick wage-earners and their dependents full medical care for twenty-six weeks in any year, and special maternity care for insured women and wives of insured men. Cash benefit, in order not to interfere with trade union and fraternal benefit funds, was set at 66 2/3 of wages, but in no case more than $8 a week. A burial benefit of $100 was included.

The expense of these benefits was to be met by equal contributions from employers and workmen. Administration was in the hands of local mutual funds democratically managed by representatives of both sides, under supervision of the state industrial commission.

Health insurance systems on this general plan are in successful operation in many European countries, including England. In Italy, so important was maternity insurance considered that a compulsory system was inaugurated long before general health insurance was taken up. These laws have furnished the workers in the respective countries better medical care than they ever enjoyed before, have distributed large sums in cash benefits to prevent destitution in the families of the sick, and have exerted telling influence on the development of measures for "Health First" in industrial and community circles.

Unemployment Insurance

Destitution due to unemployment, which was until recently considered a matter of purely individual concern or of charity, is now also coming to be recognized as an evil that should be met by the forethought of society as a whole.

Unemployment insurance originated first among labor unions, which footed the cost themselves without outside aid. This method

achieved considerable success in Europe, but in the United States only a few national unions or local branches are known to pay out-of-work benefits. Apparently the burden is too heavy and grievous to be borne by the workers without assistance.

In the effort to encourage wage-earners to provide in time of employment for their needs when work was slack, the city of Ghent in Belgium adopted in 1901 the plan of offering subsidies to trade unions which paid unemployment benefits. This "Ghent system" rapidly spread to other countries. The subsidies vary from 33 1/3 to 100 per cent. of the amounts expended by the unions. It is generally recognized, however, that even this voluntary subsidized plan fails to reach a large enough number of workers. The lesson taught by other branches of social insurance points to obligatory insurance as the solu tion of the problem.

Great Britain is the country which has most thoroughly heeded the lesson. There, as part of the national insurance act of 1911, which dealt also with health insurance, a nation-wide system of compulsory unemployment protection was set up. At the outset about 2,500,000 workmen were covered, but this number has since been extended until no fewer than twelve million workers are thus protected. Employer, employee, and the government contribute to a fund from which, in

case of unemployment, the worker receives a small weekly cash benefit for a limited period in any year.

As a protection to the employer, a workman is refused benefit while on strike, or if he has quit without due cause or is discharged on just grounds. On the other hand, an unemployed man does not forfeit his benefits if he refuses to act as a strike breaker or to take wages below his usual rate or the current rate in the community. To prevent abuse, the system is administered in

WHY NOT EQUAL PROTECTION?

American workman's social insurance protection compared with British workman's.

close connection with the public employment offices, so that a man's inability to secure a place can be rapidly tested.

Recent experiments of some American employers and trade unionists have established the practicability of unemployment compensation and bills have been introduced in several state legislatures to make such insurance universal.

Invalidity Insurance

Invalidity, or a chronic condition of disability not caused by accident, partakes somewhat of the nature of both sickness and old age. Perhaps for this reason insurance against it is carried in England along with the former, and in other countries with the latter. In any case the same motives of humanity and social foresight which lead to protection against pauperism from the other hazards of life should result in provision for invalidity also.

Old Age Insurance

Rapid development of industry has emphasized the individual's earning power. Old age has been deprived of the esteem once bestowed on it, and the worn-out worker is likely to be cast unfeelingly on the scrap-heap of industry.

To ward off old age poverty, three methods have been practiced—charity, saving, and insurance. Charity, however, is now looked upon as

inadequate, degrading, and uncertain. Individual saving is unnecessarily expensive, even if prevalent low wages did not prevent or cripple it. There is left the method of insurance.

Voluntary old age insurance or pension plans are found in a few American fraternal societies and trade unions. Commercial old age insurance, which is fairly wide spread among the middle class in Europe, is hardly known here.

As a consequence of the slight spread of purely voluntary insurance plans, a number of countries and one or two American states have seen fit to encourage them by offering subsidies. But even state assistance and supervision have failed to reap large results. Experts agree that even generous subsidies attract only a few wage-earners, and that the resultant benefits are small and uncertain.

Compulsory old age insurance is found in over twenty countries, but the benefits are so small as to be almost negligible, and they are granted in most places only to persons completely unable to earn a living. Another method, found in Great Britain, Australia, and elsewhere, is the establishment of straight non-contributory pensions. It is sometimes objected that such pensions tend to keep down wages, destroy the habit of thrift, and injure family solidarity. It is replied that persons old enough for pensions are a very slight item in the labor market, that thrift is

already made difficult or impossible by low wages, and that the regard of children for their parents is not enhanced by the latter's being wholly dependent.

In the United States it is estimated that about 1,250,000 of the people over sixty-five years of age are dependent upon public or private charity, to the amount of about $250,000,000 annually. Yet, declares a leading authority, "the United States is the only great industrial nation in the civilized world that has not already attempted a practical and permanent solution of this problem of old age and dependency." The federal government, however, in 1920, finally established a system of compulsory, contributory old age and disability insurance for the government's 300,000 employees in the classified civil service. And within recent years public employees of several states and cities have won similar protection. But private employees are for the most part still neglected, although a few states have enacted pension laws. Of late some trade unions and fraternal societies have taken up the matter vigorously, and several state commissions have been appointed to study it, so that further developments in this direction may be looked for in the near future.

ENFORCEMENT OF LAWS

CHAPTER EIGHT

LABOR legislation, no matter how good it may look, is of little use unless it is intelligently and thoroughly enforced. A statute which confers on the workers certain rights or guarantees them a certain protection is only a scrap of paper unless it is lived up to.

The early labor laws both in this country and abroad merely made pious general statements about what should or should not be done. They provided no officer specifically charged with the duty of seeing that their provisions were carried out. It was left to the person who considered himself aggrieved to complain to the sheriff, policeman, prosecuting attorney, or other official of the court, who was then supposed to prosecute.

As far as employers were concerned, this arrangement was satisfactory. If a body of workmen went on strike for higher wages, and thus seemed to their employer to violate the statute forbidding "conspiracy," he could usually engage lawyers and have the alleged offenders brought to bar. For the workmen, however, the situation was very different. They did not dare complain for fear of discharge. They had not

the means to retain attorneys. The public officials who were supposed to handle such matters were local functionaries, afraid of antagonizing the wealthy and influential members of the community, and usually had other duties more pressing. This is the condition which still exists in some states.

Labor Bureaus

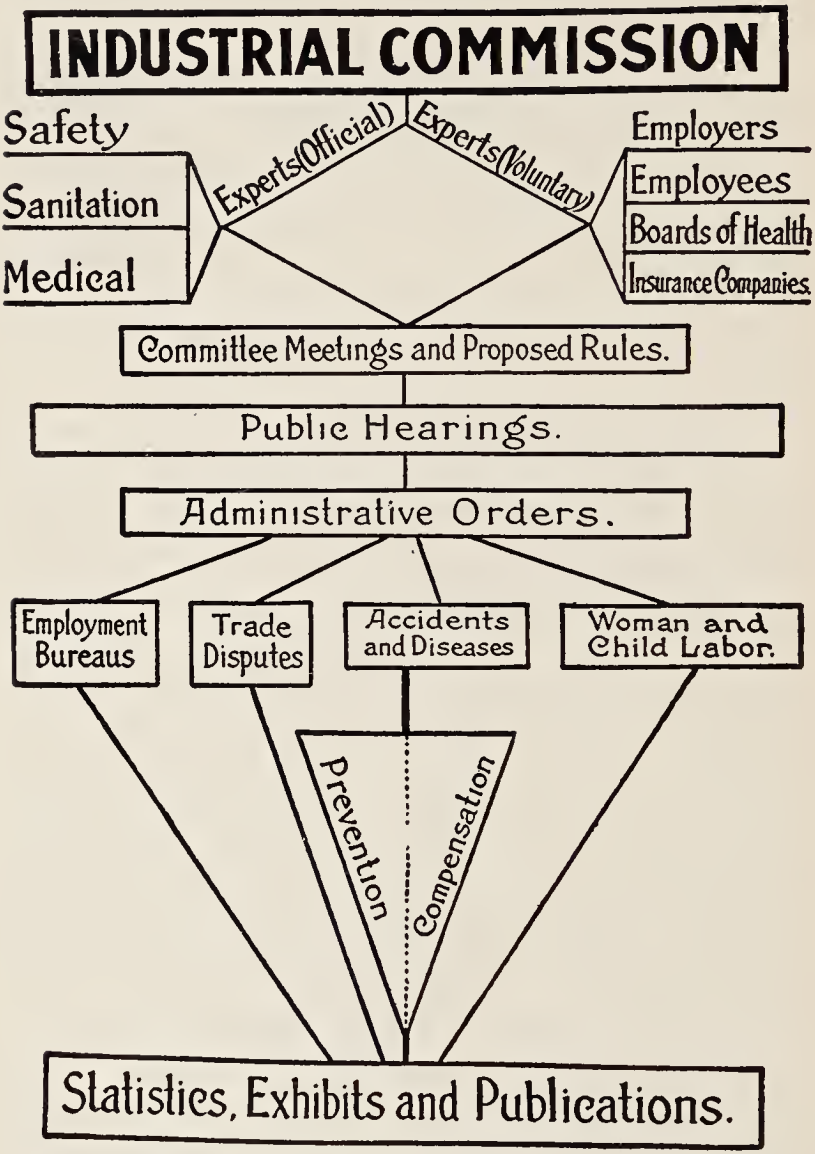
The first state labor bureau in the world, established in Massachusetts in 1869, had for its purpose the collection of information on wages, hours and working conditions. Even the labor unions which struggled until they secured its creation did not yet realize the need of giving it power to enforce the labor laws. Similar bureaus have now been established in nearly all the states and by the federal government. As more experience was gained, the functions of these bureaus were expanded. From time to time they were called upon to carry on investigations which would otherwise have been conducted by special legislative commissions.

Factory Inspectors

In 1879 Massachusetts again took the lead by appointing the first American factory inspectors. These officials formed a class of special state police, whose duty it was to investigate conditions in the workplaces, to secure their own

evidence of any violations, and then to conduct the prosecutions without calling upon the employees to testify. About half the states now have such inspectors, the force in New York, the largest manufacturing commonwealth, numbering more than 150. In most cases the factory inspection bureau has been combined with the bureau of labor statistics, but in some states both of these bodies are in existence side by side.

A number of reasons have combined to make much factory inspection in this country rather ineffective. The inspectors have usually been political place holders who had little or no training for their important work. They are poorly paid. They are frequently changed. They receive little recognition for honest, efficient work, and lack opportunity for promotion and a professional career. They are often far too few for the volume of work. A great deal of their time is spent in collecting statistics which are incomplete and usually out of date when they appear. Meanwhile the courts are frequently declaring labor laws unconstitutional partly because sufficient facts are not presented to demonstrate conclusively the need and the reasonableness of the legislation. This whole matter is now undergoing widespread discussion, and a number of promising attempts at improvement are under way.



OUTLINE OF ADMINISTRATION UNDER A STATE INDUSTRIAL COMMISSION.

Industrial Commissions

Under the American theory of government the legislature is given the duty of investigating conditions and drafting necessary measures in accordance therewith. Growing complexity of conditions makes this duty more and more difficult, if not impossible, to fulfil. Legislative assemblies, composed mainly of lawyers and farmers, cannot hope to become experts on technical industrial matters. Moreover, even if they do investigate all details, the resulting legislation in a short time becomes out of date and ceases to be applicable to every establishment and to every circumstance. As a result, the factory inspectors are forced to decide in their own discretion whether to enforce the law as it stands or not. This leads to inequality of administration, and opens the way to arbitrariness and even corruption.

Remedy for this breakdown was sought by creating permanent commissions to deal with special labor matters. Thus a dozen states have declared that women and children must not be employed for less than a living wage, and have established minimum wage commissions to determine proper wage standards. Three-fourths of the states have workmen's compensation commissions to determine, under the law laid down by the legislature, how much indemnity employers shall pay in cases of industrial accident.

Usually commissions of this kind have been set up in addition to the existing state bureaus of labor statistics, factory inspection, and others dealing with related matters. Sometimes as many as eight or nine independent agencies concerned with labor problems have been in operation at once in a state.

The duplication, overlapping, confusion, and wastefulness of this situation were accentuated when the workmen's compensation commissions began to issue rules and carry on inspections in factories for safety. The result was conflict of authority with the factory inspection bureaus. Gradually it was recognized that accident prevention and compensation were parts of the same public function, and should be in the hands of the same public body.

The next step was then obvious. It was to combine all the scattered bureaus which handled labor questions into one state industrial commission, and to give to this commission the power to investigate and issue rules to complete and apply the principles laid down in the statute law. Wisconsin, the first state to make this progressive change, was shortly afterward followed by New York, Ohio, Pennsylvania, Illinois, and in later years by several others.

Regulation through Continuous Investigations

The industrial commission is on the job continuously, and not only at intervals like a legis-

lature. It is not hurried to put through a mass of legislation before a specified date of adjournment. It can therefore investigate thoroughly and in detail. It can issue different rules for different conditions, and can modify its rules when the conditions change or as soon as it discovers new and more effective remedies.

The usual method for the preparation of an industrial commission order is somewhat as follows: In connection with a given problem a joint committee of employers and employees is called together, which is assisted by technical experts and by representatives of the commission. This committee provides for the representation of interests which is necessary if all the facts are to be given due weight in its final decision. If such due weight is not given to all the facts, the decision may not be considered reasonable by the courts. The committee weighs the testimony of inspectors or investigators. It threshes out its differences, and finally reaches a recommendation which represents the knowledge and agreement of all. When this agreement has been reached, the recommendation is reported to the commission, which adopts it as its own and issues it as a tentative order.

The next step is to hold a public hearing for all persons whose interests are affected. Opportunity to be heard is essential to due process of law. After the public hearing the commission

drafts the rule in final form, and when it is officially published it goes into effect, with the full force of a law, on such date as the legislature has previously designated.

Even with this procedure the rules and orders of an industrial commission are not legally conclusive and binding on the courts. If an employer violates them, and is brought to trial, he is likely to offer as a defense that they are unreasonable in some respects. He may call them "class legislation," or say that they discriminate unfairly. In that case the court will have to examine into the constitutionality of the rules. But the legislature may limit the grounds on which the court may declare a rule unconstitutional. It may provide that a rule issued by the commission shall be nullified only for errors in law, and that if new facts are shown the rule shall be referred back to the commission for revision in accordance with those facts.

Civil Service and Other Problems

It is important that the officials appointed to enforce labor legislation be qualified for their work. Sometimes the operation of the laws has suffered because the inspectors or labor commissioners were selected for political reasons and were unsuited for their duties. The development of civil service has tended to correct this situation. In the best states there are careful

examinations for all subordinates, tenure of office is secure, and progress is being made toward more just salaries, promotions for merit, and the development of professional standards.

As labor conditions become more complex, the task of drawing up progressive and humane legislation becomes more difficult. Specialists are needed to frame measures which will be workable, and which leave no loop-holes for easy evasion. Often enemies of labor laws seek to defeat their purpose by seeking to introduce "jokers," or apparently innocent clauses which would destroy much of the intended effect.

Unless there is a penalty attached to violating a law, it is likely to become a dead letter. At the same time, if the penalty is too severe, judges are likely not to impose it. Sometimes in order to make sure that a violation is not allowed to continue, licenses are revoked, or a machine may be locked so that it cannot be used.

Co-operation by Economic Pressure

After all, the best enforcement of labor laws is secured when the co-operation of employers and employees themselves can be directly enlisted. Many improvements are directly to the interest of both, and if they can be made to realize this fact better results can be obtained than in any other way. Inspectors can at best visit the plant only every few months; workmen and employers are on the spot all the time.

One of the best methods for thus spurring employers and workmen to act together for industrial betterment is through the constant economic pressure set up by social insurance. When there is a financial interest in reducing industrial evils, greater activity is noticeable in preventive work.

International Labor Regulation

Employers have frequently objected to progressive labor measures which affected only their own state. They said they feared the competition of rivals in other states who could operate under lower standards. Actual instances of industries being crippled by scientific labor laws have, however, practically never been proved.

Similar arguments are sometimes made when it is proposed to pass a labor law covering the whole country. Then the plea of international competition is raised. For this reason leading thinkers in many countries have advocated the adoption of labor protective standards on an international or world-wide basis.

Such world-wide labor standards would protect humane manufacturers in one nation from being held back in their improvements by the unchecked competition of those in more backward countries. They would also assist the backward countries in elevating their standards towards the level of the highest.

Two international treaties embodying just

such humane labor standards were in operation before the world war. One prohibited the use of poisonous phosphorus in the manufacture of matches, the other forbade night work for women. Each had been adopted by a dozen or more leading countries in both hemispheres. Besides these, there were a number of lesser reciprocal treaties dealing with rights of workmen under social insurance laws.

The peace treaty of Versailles included a program of basic international standards, created a permanent international labor office at Geneva, and provided machinery for the preparation and adoption of additional protective standards. Several important labor treaties have already been widely ratified with legislation to put them into effect.

Labor legislation, then, is based on the recognition of certain evils in our industrial system, and on the equal recognition of the common interest of all in overcoming them. It seeks to bind all groups in the community—employers, workers, and the public—into a united movement for industrial welfare.

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